

By Mr. ROBINSON of Indiana: Petition of Rev. J. D. Brosy and 70 other citizens of Auburn, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ROBINSON of Nebraska: Paper to accompany House bill for the relief of Joseph M. Campbell and Stephen Blacksmith—to the Committee on Indian Affairs.

Also, petition of officers and members of the Presbytery of Niobrara, Nebr., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Merchants' Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. RUSSELL: Petition of Norwich, Conn., Indian Association, relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, papers to accompany House bill granting an increase of pension to Abbie T. Daniels—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: Petition of Merchants' Association of New York, favoring continuance of postal tubular system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. VAN VOORHIS: Paper to accompany House bill granting an increase of pension to Solomon D. Sturtz—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to George W. Brill—to the Committee on Invalid Pensions.

By Mr. YOUNG: Letters of George W. Wagner & Co. and John F. Graff, of Philadelphia, Pa., favoring such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. B. Colesworthy, of Hornellsville, N. Y., favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Naval Command, No. 1, Spanish-American War Veterans, in opposition to the passage of the Army bill as now pending—to the Committee on Military Affairs.

Also, petition of H. K. Mulford Company, Philadelphia, Pa., in favor of Senate bill No. 2283, amending the war-revenue reduction bill—to the Committee on Ways and Means.

SENATE.

TUESDAY, January 22, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. PENROSE and Mr. MARTIN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3252) to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa;

A bill (H. R. 10305) to provide a home for aged and infirm colored people;

A bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia;"

A bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act;

A bill (H. R. 12039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley;

A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes;

A bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution;

A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

A bill (H. R. 13607) to provide additional force at the workhouse and the almshouse, District of Columbia; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5048) to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque grant, and for other purposes; and

A bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Dunbar, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of sundry citizens of Camden, N. J., praying for the enactment of legislation reimbursing them for overtime made as letter carriers; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Barnegat, N. J., and a petition of the Woman's Christian Temperance Union of Cranbury Station, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquor to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Warren County; of H. M. Loveland, of Cohansey; of the New Jersey Dairy Union, and of the New Jersey State board of agriculture, all in the State of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Orange, South Boundbrook, and Newark, and of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church of Newark, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of sundry citizens of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Aurora, Nebr., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented a petition of sundry citizens of West Virginia, praying for the enactment of legislation to provide a national memorial home for aged and infirm colored people; which was referred to the Committee on Education and Labor.

Mr. FOSTER presented memorials of sundry citizens of Woodland and Kalama, all in the State of Washington, remonstrating against the adoption of certain amendments to the so-called ship-subsidy bill; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, praying for the construction of an easterly breakwater at Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. MCCOMAS presented the petition of John Q. Everson, Mark W. Watson, and sundry other citizens of Allegheny County, Pa., praying that their claims be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. THURSTON. I present a petition of the legislature of the State of Nebraska, praying for the enactment of legislation providing for the establishment of a school of mines in every State where such a school does not exist. I ask that the petition be printed in the RECORD and referred to the Committee on Mines and Mining.

There being no objection, the petition was referred to the

Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

SENATE CHAMBER,
Lincoln, Nebr., January 15, 1901.

STATE OF NEBRASKA, Lancaster County, ss:

I, J. C. F. McKesson, secretary of the senate of the State of Nebraska, do hereby certify that on the 14th day of January, 1901, the senate of the State of Nebraska adopted the following resolutions:

"Whereas a bill has passed the Senate of the United States and is now pending in the House of Representatives providing for the establishment and maintenance of a school of mines in every State where such does not now exist and for giving further support to those already established; and

"Whereas such schools would be of incalculable benefit to the vast mineral, road-making, and geological interests of the entire country and of this State in particular: Therefore,

"Resolved, That the Representatives in Congress from the State of Nebraska be, and hereby are, requested to use their utmost, active, and earnest efforts to bring said bill to the consideration of the United States House of Representatives and to secure its passage at the present session of Congress.

"Resolved, That the chief clerk of the senate be, and hereby is, directed to forward a copy of the foregoing preamble and resolution to the Speaker of said House and to each Representative in Congress from this State."

Given under my hand the day and year last above written.

HON. JOHN M. THURSTON,
Washington, D. C.

J. C. F. MCKESSON,
Secretary of Senate.

Mr. MASON presented a petition of sundry citizens of Chicago, Ill., praying that an appropriation be made for the improvement of the Chicago River; which was referred to the Committee on Commerce.

Mr. FRYE presented the petition of James L. Holden, of Oxford, Me., praying that he be granted a pension; which was referred to the Committee on Pensions.

RIO GRANDE DAM AND IRRIGATION COMPANY.

Mr. CARTER. I present a memorial which relates to Senate bill 3794. It is a history of the Rio Grande Dam and Irrigation Company and the Elephant Butte Dam case, together with abstracts from decisions of the United States courts relating to the use of waters of nonnavigable streams for irrigation purposes. I move that the memorial be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

THE PENSION CALENDAR.

Mr. GALLINGER. It will be observed, Mr. President, that we are getting a very large Pension Calendar. It is a matter I am not any more interested in than any other Senator, and perhaps I am interested less in the Calendar than almost any other Senator. The pressure is very great, both from Senators and Members of the other House, that these bills shall be considered. I desire this morning to ask that upon the conclusion of the routine morning business to-day one hour be given to the consideration of unobjectioned pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at the conclusion of the morning business one hour may be given to the consideration of unobjectioned pension cases on the Calendar.

Mr. LODGE. To-day?

The PRESIDENT pro tempore. To-day.

Mr. LODGE. I hope the Senator will not put the request in that form. I have given notice of other business for to-day.

Mr. GALLINGER. I will change the request and ask it for to-morrow after the routine morning business.

Mr. HALE. Let the request stand for the present, until the chairman of the Committee on Appropriations comes in, because he has the legislative, executive, and judicial appropriation bill in charge, and it is important that it shall be got through as soon as possible. I think he will get it through to-day.

As to the pension bills, Mr. President, if the Senator from New Hampshire should try to prevent their going through he could not do so.

Mr. GALLINGER. If the Senator from Maine were in my place, he would want them to go through as speedily as possible.

Mr. HALE. I do not blame the Senator for making the request. We shall all consent to their consideration in due time. I hope he will let the matter go over for the present.

Mr. GALLINGER. Let it lie over, Mr. President. I will renew it.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 5333) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 1604) granting an increase of pension to Joel H. Hallowell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12620) granting an increase of pension to John P. C. Shanks, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5050) granting an increase of pension to Charles A. Marsh;

A bill (H. R. 3183) granting a pension to Edward Hounsom;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 11361) granting a pension to Susan A. Miller;

A bill (H. R. 7580) granting a pension to Samuel N. Haskins;

A bill (H. R. 11574) granting a pension to William H. Palmer; and

A bill (H. R. 8794) granting an increase of pension to Ellen H. Phillips.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3386) granting a pension to Catherine L. Taylor, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1065) granting an increase of pension to Bettie Lee Ward;

A bill (S. 3483) granting an increase of pension to Jeremiah Jackson; and

A bill (S. 3482) granting an increase of pension to Elias M. Lynch.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 7152) granting an increase of pension to Nancy L. Donaldson, reported it without amendment, and submitted a report thereon.

He also (for Mr. KENNEY), from the same committee, to whom was referred the bill (S. 4748) granting an increase of pension to Mary Wolcott Kilburn, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 1144) for the relief of the board of trustees of Lagrange Synodical College, of Lagrange, Tenn., reported it without amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (H. R. 321) for the relief of the legal representative of Samuel Tewksbury, deceased, reported it without amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8418) granting an increase of pension to William H. Gibbs;

A bill (H. R. 11508) granting a pension to George T. Boulding; and

A bill (H. R. 12233) granting a pension to Ashel C. Aulick.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 5369) granting an increase of pension to Edmond Craig, reported it with amendments, and submitted a report thereon.

He also (for Mr. KENNEY), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7745) granting a pension to Lucinda Miller; and

A bill (H. R. 10183) granting an increase of pension to Robert A. Reid.

Mr. MARTIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4728) providing for leaves of absence to certain employees of the Government, reported it with amendments.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom was referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5560) granting an increase of pension to J. W. Harden;

A bill (S. 3030) granting an increase of pension to Henry Guckes;

A bill (S. 5451) granting an increase of pension to Mary M. Hyde; and

A bill (S. 5559) granting an increase of pension to Adolphus Richardson.

Mr. KYLE, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5431) granting an increase of pension to William H. Ball;

A bill (H. R. 3512) granting a pension to Rebecca G. Irwin;

A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts;

A bill (H. R. 10482) granting a pension to Pattie D. McCown;

A bill (H. R. 657) granting a pension to Francis A. Kitchen;

A bill (H. R. 4018) granting a pension to Elizabeth Dinnon;

A bill (H. R. 11057) granting an increase of pension to Leonhart Miller;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 9177) granting an increase of pension to Luke P. Allphin; and

A bill (H. R. 3660) granting an increase of pension to Franklin I. Gilbert.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 5238) authorizing the Secretary of the Navy to contract for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast at any asylum in the State of California, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Fisheries, to whom was referred the bill (S. 5520) to establish a fish-hatching and fish station in the State of Utah, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5204) granting an increase of pension to John Scott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3580) granting an increase of pension to Therou Johnson, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate \$4,000 to enable the assessor of the District of Columbia to complete the card records of his office and to prepare a list for the United States Treasury of the old levies of taxes in said District and providing that out of said amount clerks in the assessor's office may be paid for overtime work, intended to be proposed to the District of Columbia appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 5191) granting an increase of pension to Selah V. Reeve, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5405) granting an increase of pension to John H. Taylor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4695) granting a pension to James Dorsey, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles;

A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon;

A bill (H. R. 11196) granting an increase of pension to Louis Snyder; and

A bill (H. R. 9985) granting an increase of pension to Martin Sherwood.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 5363) granting a pension to Lizzie Wattles, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5610) granting a pension to Elizabeth B. McClellan; and

A bill (H. R. 5898) granting an increase of pension to George F. White.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 11785) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak., reported it without amendment.

R. M. PROBSTFIELD.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 5423) for the relief of R. M. Probstfield, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5423) entitled "A bill for the relief of R. M. Probstfield," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FLORENCE A. BROWN.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 5156) for the relief of Florence A. Brown, administratrix of the estate of John A. Brown, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5156) entitled "A bill for the relief of Florence A. Brown, administratrix of the estate of John A. Brown," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GEORGE W. CRAIG AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 2846) for the relief of George W. Craig;

A bill (S. 3539) for the relief of Rachel R. McMullen, administratrix of Thomas J. McMullen;

A bill (S. 3835) for the relief of Elizabeth Johnson;

A bill (S. 3964) for the relief of Robert Lay, administrator of Nancy Lay, deceased;

A bill (S. 4640) for the relief of Mollie T. Benson;

A bill (S. 4791) for the relief of Mrs. Ada G. Bankhead;

A bill (S. 4850) to refer the claim of Edward Gallagher, deceased, late of Richmond County, Ga., to the Court of Claims;

A bill (S. 4979) for the relief of the estate of Daniel Heflebower, deceased;

A bill (S. 4994) for the relief of the estate of Henry Bauman, deceased;

A bill (S. 5137) for the relief of the estate of Walter Shirley, deceased;

A bill (S. 5245) for the relief of the estate of Henry Ingram, deceased;

A bill (S. 5378) for the relief of the estates of J. H. and C. Rowland, deceased;

A bill (S. 5470) for the relief of the legal representatives of Turner Smith, deceased; and

A bill (S. 5554) for the relief of Eugene L. Derr, administrator of the estate of John Derr, deceased, reported the following resolution:

Resolved, That the claims represented by the following bills, to wit: S. 2846, 3539, 3835, 3964, 4640, 4791, 4850, 4979, 4994, 5137, 5245, 5378, 5470, and 5554, for the relief of George W. Craig; for the relief of Rachel R. McMullen, administratrix of Thomas J. McMullen; for the relief of Elizabeth Johnson; for the relief of Robert Lay, administrator of Nancy Lay, deceased; for the relief of Mollie T. Benson; for the relief of Mrs. Ada G. Bankhead; for the relief of Edward Gallagher; for the relief of the estate of Daniel Heflebower, deceased; for the relief of the estate of Henry Bauman, deceased; for the relief of the estate of Walter Shirley, deceased; for the relief of the estate of Henry Ingram, deceased; for the relief of the estates of J. H. and C. Rowland, deceased; for the relief of the legal representatives of Turner Smith, deceased, and for the relief of Eugene L. Derr, administrator of the estate of John Derr, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PETTIGREW. Are we on the Order of Business of Resolutions?

The PRESIDENT pro tempore. No; reports of committees. The resolution just read is reported from a committee.

Mr. PETTIGREW. I shall ask to have it go over until tomorrow.

The PRESIDENT pro tempore. The Senator from South Dakota objects to the present consideration of the resolution.

THE PENSION CALENDAR.

Mr. GALLINGER. Mr. President, it is manifest that in the great pressure of public business time ought not to be taken from the regular sessions of the Senate for the consideration of pension bills, and I now rise to make the request that unanimous consent be given that after the daily session to-morrow the Senate shall meet at 7.30 o'clock in the evening, at which time unobjected pension bills will be considered, and nothing else.

The PRESIDENT pro tempore. The Senator had better name some hour to-morrow at which a recess shall be taken.

Mr. ALLISON. Half past 5.

Mr. GALLINGER. I will say half past 5.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow at half past 5 in the afternoon the Senate shall take a recess until half past 7 in the evening for the consideration alone of unobjected pension cases. Is there objection?

Mr. PETTIGREW. Mr. President, I object. I shall not object, however, to setting apart a time during the day to-morrow for the consideration of the pension cases. I shall object to an evening session for that purpose.

The PRESIDENT pro tempore. Objection is made.

DISTRICT OF COLUMBIA CODE.

Mr. STEWART. Mr. President, the bill (H. R. 9835) to establish a code for the District of Columbia has been reported and perfected, and there are very few amendments. The reading of it is the great object. Every one knows what that bill is. It has been prepared by the Commissioners and the judges and has gone through all the process of the bar. I ask that the Senate take a recess at half past 5 to-morrow and meet at 8 o'clock for the purpose of reading the code bill and for no other purpose. It can not be read in business hours. The reading will take considerable time.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that to-morrow at half past 5 the Senate take a recess until 8 in the evening for the purpose of having the bill to establish a code for the District of Columbia read. Is there objection?

Mr. ALLEN and Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. Objection is made.

WILLIAM D. RUTAN.

Mr. KEAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 5133) for the relief of William D. Rutan, to report it favorably without amendment, and to recommend its passage. It is a very short bill, and I ask that it be placed on its passage now.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers of the Treasury Department to credit the account of William D. Rutan, late collector of internal revenue at Newark, N. J., with \$1,350, the same being the net value of certain snuff stamps forwarded by said Rutan to the Commissioner of Internal Revenue for exchange under the provisions of an act of Congress approved June 13, 1898, which stamps were lost in transit or otherwise and never accounted for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF CERTAIN JUDGES.

Mr. THURSTON. The chairman of the Committee on the Judiciary has requested me to ask unanimous consent for the consideration of the bill (S. 3450) to fix the salaries of certain judges of the United States.

The PRESIDENT pro tempore. Will the Senator withhold that request until morning business is finished?

Mr. THURSTON. Certainly.

The PRESIDENT pro tempore. Reports of committees are still in order.

COUNTING OF ELECTORAL VOTES.

Mr. CHANDLER, from the Committee on Privileges and Elections, to whom was referred the concurrent resolution submitted by himself December 19, 1900, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1901, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

BILLS INTRODUCED.

Mr. MCENERY introduced a bill (S. 5680) for the relief of the estate of Edward Pugh, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 5681) granting an increase of pension to Merit C. Welsh; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5682) to correct the military record of Henry T. Phillips (with an accompanying paper); and

A bill (S. 5683) for the relief of William D. Hamilton (with accompanying papers).

Mr. DEPEW introduced a bill (S. 5684) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1890, as amended; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 5685) granting an increase of pension to William B. Crosby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SULLIVAN (by request) introduced a bill (S. 5686) for lighting suburban streets by the electric railway companies whose lines occupy said streets in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 5687) granting a pension to Elizabeth Boadhead; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5688) to provide for the purchase of a site and the erection of a public building thereon at Hammond, in the State of Indiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 5689) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. MCOMAS introduced a bill (S. 5690) granting a pension to Mabel H. Lazear; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5691) for the relief of John Q. Everson and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 5692) granting a pension to V. S. Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5693) granting a pension to Reece A. Milam; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 5694) granting a pension to Charles W. Kyle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5695) granting a pension to James M. Propst; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5696) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SCOTT introduced a bill (S. 5697) granting a pension to D. W. Keffner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DEPEW introduced a joint resolution (S. R. 152) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. FORAKER introduced a joint resolution (S. R. 153) authorizing and directing the Secretary of the Treasury to adjust certain claims of the State of Ohio; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAY submitted the following amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to increase the appropriation for continuing the improvement of Oconee River, Georgia, from \$15,000 to \$30,000;

An amendment proposing to increase the appropriation for continuing the improvement of the Coosa River, Georgia and Alabama, from \$50,000 to \$450,000; and

An amendment proposing to increase the appropriation for continuing the improvement of Brunswick Harbor, outer bar, Georgia, from \$25,000 to \$40,000.

Mr. McMILLAN submitted an amendment proposing to appropriate \$10,000 for grading and macadamizing California and Wyoming avenues, Twenty-third, Twenty-fourth, and S streets, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the

accompanying papers, referred to the Committee on the District of Columbia.

Mr. LODGE submitted an amendment proposing to appropriate \$5,000 for necessary repairs in the harbor of Provincetown, Mass., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the appropriation for the improvement of Grand River, Michigan, from \$25,000 to \$50,000, authorizing the purchase of dredge for improving said river at a cost of \$100,000, and authorizing the Secretary of War to enter into contracts for the completion of the projected improvements of Kalamazoo River and Saugatuck Harbor, in the State of Michigan, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate \$2,000 for the salary of the consul at Teneriffe, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment authorizing the Secretary of War to enter into contracts for the construction of locks and dams and other improvements on the Tennessee River, both above and below the city of Nashville, Tenn., and limiting the amount to be expended on such work to \$500,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MONEY submitted an amendment providing for the survey of the present channel leading from the wharf at Biloxi, Miss., to Ship Island Harbor, Mississippi, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MASON submitted an amendment providing for the survey of the Chicago River with a view of determining the need, advisability, and cost of constructing one or more turning basins in the north and south branches, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$175,000 for the repairs of the jetties at the mouth of the Brazos River, Texas, rendered necessary by the hurricane, and \$150,000 for the completion of the existing project at the mouth of the Brazos River; and also \$800,000 to pay the Brazos River Channel and Dock Company for the jetties built by that company at the mouth of the Brazos River, Texas, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate \$10,000 for improving the harbor of refuge at Block Island, R. I., and \$60,000 for extending the south jetty in the harbor at Great Salt Pond, Block Island, R. I., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment authorizing the Secretary of War to cause the engineer officer in charge of Green and Barren rivers, Kentucky, to investigate and report upon the practicability of obtaining a 6-foot navigable depth in those streams at pool stage of water, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTUS submitted an amendment proposing to appropriate \$91,750 for opening the outer bar at Mobile Bay 30 feet deep, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to increase the appropriation for the maintenance and repair of the jetties at Sabine Pass, Texas and Louisiana, from \$125,000 to \$350,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

CATALOGUE OF SENATE LIBRARY.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Catalogue of the Senate Library and a Finding List of Important Serial Documents published by the Government be printed to the end of the last session of the Fifty-sixth Congress, under the direction of the Secretary of the Senate, and that the usual number of each be printed.

INSULAR TARIFF CASES.

Mr. FORAKER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, 8,000 copies of the record and briefs in the following cases of the October term, 1900, in the Supreme Court of the United States, including the appendices thereto, 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, 500 copies for distribution by the Department

of Justice, and 500 copies for distribution by the clerk of the Supreme Court of the United States:

Elias S. A. De Lima et al. vs. George R. Bidwell, being case No. 456; Samuel B. Downes et al. vs. George R. Bidwell, being case No. 507; Henry W. Dooley et al. vs. The United States, being cases Nos. 501 and 502; Carlos Armstrong vs. The United States, being case No. 509; George W. Crossman et al. vs. The United States, being case No. 515; Christian Huus vs. The New York and Porto Rico Steamship Company, being case No. 514; John H. Goetze vs. The United States, being case No. 340, and Fourteen Diamond Rings, Emil J. Pepke, claimant, vs. The United States, being case No. 419.

JOHN BLAKE WHITE'S "BATTLE OF FORT MOULTRIE."

Mr. TILLMAN. Mr. President, I send to the desk a letter tendering a picture to the Senate, which, for the information of the Senate, I ask to have read.

The PRESIDENT pro tempore. The Senator from South Carolina asks that the paper which he presents be read. Is there objection?

Mr. PLATT of Connecticut. Mr. President, I think that, under our rule not to put anything in the RECORD that is not provided for by the rules, there ought to be something more than a statement by a Senator that he presents a paper which he asks to have read. We know nothing whatever of the character or contents of the paper.

Mr. TILLMAN. I have conferred with the chairman of the Committee on the Library, who has the matter in charge, and he is here ready to explain it. It is from a gentleman of New York, who last year presented three historical paintings to the Senate.

Mr. PLATT of Connecticut. I have no objection. I merely wanted to know what the paper is about.

Mr. TILLMAN. The paper itself will explain the matter, if the Senator will let it be read. It is merely a letter of tender to the Senate of a famous painting.

Mr. PLATT of Connecticut. Very well.

The PRESIDENT pro tempore. The Secretary will read the communication.

The Secretary read as follows:

1011 MADISON AVENUE, NEW YORK, January 12, 1901.

MY DEAR SIR: On the 17th of February, 1899, I had the honor to present to the Senate of the United States three historical paintings executed by my father, the late John Blake White, of South Carolina.

Although the man has long since passed away, yet his reputation, especially as an historic artist, has grown with the advance of art appreciation in his native land. His masterful treatment of epoch-making events, during the arduous years of the nation's birth, has done much and may yet do more to foster the spirit of pure patriotism which achieved our independence.

Having recently come into possession of another and still more important work of this artist, I deem it quite too precious, both as a work of art and as an authentic historic representation of a valorous incident of far-reaching influence, to remain the property of a private individual and subject to the vicissitudes of private ownership.

It portrays in a spirited manner the famous battle of Fort Moultrie, fought and won against a formidable British fleet commanded by Sir Peter Parker in the harbor of Charleston, S. C., on the 28th of June, 1776, just six days prior to the Declaration of Independence.

The faces of the chief actors are carefully executed portraits, drawn from likenesses in the possession of their families, aided by personal recollections of the artist.

Moved by the considerations I have mentioned and by filial devotion, I therefore donate this painting to the nation, to be kept in perpetuity, that the sons may know how their fathers fought to secure the precious boon of liberty.

I respectfully beg that you will, in my behalf, present the painting to the honorable the Senate of the United States as guardians of the nation, with the request that it be hung in juxtaposition to the works of the same artist previously donated.

I have the honor to be, your very obedient servant,

OCTAVIUS A. WHITE, M. D.

Hon. BENJAMIN R. TILLMAN,
United States Senator from South Carolina.

Mr. WETMORE. Mr. President, as is stated in the letter just read, about two years ago Dr. White, of New York, presented to the Senate three historical pictures by his father. Since then he has come into possession of a more valuable and more interesting picture, which he desires also to present to the Senate.

The Joint Committee on the Library, under section 1831 of the Revised Statutes, have a right to accept such pictures. I am instructed by the Joint Committee on the Library to offer the following resolution, and to ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Library be, and it is hereby, authorized to accept, on behalf of the Senate, and cause to be suitably placed in the Senate wing of the Capitol, the historical painting known as "The Battle of Fort Moultrie," executed by John Blake White in 1815, and presented to the Senate by Dr. Octavius A. White, of New York City, in a communication to Hon. BENJAMIN R. TILLMAN dated January 12, 1901.

Resolved, That the thanks of the Senate are hereby tendered to the donor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask that the resolution may go over until to-morrow.

The PRESIDENT pro tempore. The Chair is of opinion that resolutions reported from committees do not take the course of a resolution offered in the morning hour, but that they go to the Calendar. The resolution will go to the Calendar under the objection.

Mr. CHANDLER subsequently said: I ask unanimous consent

to withdraw my objection to the resolution to which I objected this morning, so that it may be acted upon to-day.

The PRESIDENT pro tempore. The Senator from New Hampshire withdraws his objection to the resolution. Is there objection to its present consideration? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia;"

A bill (H. R. 12039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley;

A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes;

A bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution;

A bill (H. R. 13371) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia;

A bill (H. R. 13607) to provide additional force at the workhouse and the almshouse, District of Columbia; and

A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia.

The bill (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10305) to provide a home for aged and infirm colored people was read twice by its title, and referred to the Committee on Education and Labor.

The bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

EXECUTIVE SESSION.

Mr. LODGE. If the morning business is concluded—

The PRESIDENT pro tempore. The morning business is closed.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty minutes spent in executive session the doors were reopened.

DEATH OF QUEEN VICTORIA.

Mr. ALLISON. Mr. President, I offer a resolution and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Iowa submits a resolution and requests unanimous consent for its immediate consideration. The resolution will be read.

The Secretary read as follows:

Resolved, That the death of Her Royal and Imperial Majesty Victoria, of noble virtues and great renown, is sincerely deplored by the Senate of the United States of America.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President pro tempore of the Senate cause to be conveyed to the prime minister of Great Britain a suitably engrossed and duly authenticated copy of the foregoing resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3313) extending the mining laws to saline lands.

The message also announced that the House had agreed to the concurrent resolution of the Senate calling for a report showing the present condition of the breakwater at Burlington, Vt., with an estimate of cost for its proper repair and completion.

The message further announced that the House had agreed to the concurrent resolution of the Senate calling for an additional estimate of the amount necessary to complete the work upon the lock and dam at Brennekes Shoals, on the Osage River, Missouri.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore.

A bill (S. 123) to amend an act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898;

A bill (S. 1996) revoking and annulling the subdivision of Pen-cote Heights, in the District of Columbia;

A bill (S. 4816) to provide for closing of part of an alley in square 169 in the city of Washington, D. C. and for the sale thereof to the Young Men's Christian Association of the city of Washington; and

A bill (S. 5258) to allow the commutation of homestead entries in certain cases.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

Mr. McMILLAN. I am instructed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, to report back the same and to move that the Senate disagree to the House amendments and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. GALLINGER, and Mr. MARTIN were appointed.

BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, to report back the same and to move that the Senate disagree to the amendments of the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. GALLINGER, and Mr. MARTIN were appointed.

CAYAGAN, SULU, AND SIBUTU ISLANDS.

Mr. LODGE. I have here some papers giving an account of the islands of Cayan, Sulu, and Sibutu, which I move be printed as a document.

The motion was agreed to.

INDIANS IN THE INDIAN TERRITORY.

Mr. JONES of Arkansas. I desire to enter a motion to recommit the bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere, and I ask that the motion to recommit may lie on the table.

The PRESIDENT pro tempore. The Senator from Arkansas enters a motion to recommit House bill 8966, and asks that it may for the present lie on the table. Is there objection? The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The reading of the bill was resumed, beginning with line 14, on page 67.

The next amendment of the Committee on Appropriations was, on page 70, line 21, to increase the appropriation for incidental and contingent expenses at the mint at San Francisco, Cal., from \$50,000 to \$60,000.

The amendment was agreed to.

The next amendment was, on page 72, line 19, to increase the appropriation for wages of workmen and messengers at the assay office at New York from \$27,500 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 21, to insert:

Assay office at St. Louis, Mo.: For assayer in charge, \$2,000; clerk, \$1,000; in all, \$3,000.

For wages of workmen (including janitor), \$1,000.

For incidental and contingent expenses, \$750.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 77, line 19, before the word "be," to insert "to," so as to make the clause read:

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as in the judgment

of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, \$800,000, etc.

The amendment was agreed to.

The next amendment was, on page 80, line 7, to increase the number of clerks of class 4 in the office of the Commissary-General from 1 to 2; in line 8, to increase the number of clerks of class 3 from 3 to 4; in the same line, to increase the number of clerks of class 2 from 4 to 5; and, in line 11, to increase the total appropriation for the maintenance of the office of the Commissary-General from \$42,760 to \$43,960.

The amendment was agreed to.

The next amendment was, on page 83, line 11, before the word "dollars," to strike out "one thousand five hundred" and insert "three thousand," and, in line 15, before the word "dollars," to strike out "thirteen thousand five hundred" and insert "fifteen thousand;" so as to make the clause read:

For rent of buildings for use of the War Department, as follows: For medical dispensary, Surgeon-General's Office, \$1,000; for Paymaster-General's and Ordnance offices, \$1,800; for depot quartermaster's office, \$3,000; for War Department (Lemon Building), \$6,000; for Record and Pension Office, \$3,200; in all, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 87, line 25, to increase the number of clerks of class 2 in the Office of Naval Records of the Rebellion from 2 to 3, and, in line 5, to increase the total appropriation for the maintenance of the Office of Naval Records of the Rebellion from \$16,090 to \$17,490.

The amendment was agreed to.

The next amendment was, on page 88, line 14, after the word "dollars," to insert "1 draftsman, who shall be an expert in marine construction, \$2,000;" in line 17, after the word "dollars," to insert "1 clerk of class 3;" and, in line 20, before the word "hundred," to strike out "ten thousand six" and insert "fourteen thousand two;" so as to make the clause read:

Bureau of Equipment: For chief clerk, \$2,000; 1 draftsman, who shall be an expert in marine construction, \$2,000; 1 clerk of class 4; 1 electrical expert and draftsman, \$1,600; 1 clerk of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 copyist; 1 assistant messenger; 1 messenger boy, \$300, and 1 laborer; in all, \$14,240.

The amendment was agreed to.

The next amendment was, on page 91, line 16, before the word "librarian," to strike out "assistant;" in the same line, before the word "hundred," to strike out "two" and insert "four;" in line 18, after the word "each," to strike out "one skilled laborer, \$720," and insert "assistant on equatorial, \$1,000; assistant in spectroscopic work, \$1,000;" in line 23, before the word "laborers," to strike out "ten" and insert "nine;" and in line 24, before the word "dollars," to strike out "thirty-seven thousand five hundred and twenty" and insert "thirty-eight thousand three hundred and forty;" so as to make the clause read:

Naval Observatory: For pay of 3 assistant astronomers, 1 at \$2,000 and 2 at \$1,800 each; 1 clerk of class 4; 1 clerk of class 1; instrument maker, \$1,500; electrician, \$1,500; photographer, \$1,200; 5 computers, at \$1,200 each; librarian, \$1,400; foreman and captain of the watch, \$1,000; carpenter and engineer, at \$1,000 each; assistant on equatorial, \$1,000; assistant in spectroscopic work, \$1,000; 3 firemen; 6 watchmen; elevator conductor, \$720; and 9 laborers; in all, \$38,340.

Mr. MORGAN. I wish to ask the chairman of the committee why an assistant in spectroscopic work is provided for in the bill. I am informed upon very high authority that recent reports of the Observatory do not show that any of this kind of work has been done there.

Mr. ALLISON. The chief astronomer of the Observatory not only wrote a letter on this subject, but he also appeared before us and said this was a necessary provision to make. The Superintendent of the Observatory approved it.

Mr. MORGAN. Is there any such officer as chief astronomer?

Mr. ALLISON. I do not know that there is any such office.

Mr. MORGAN. I do not find any designation of that kind in the bill.

Mr. ALLISON. The professor in charge of the astronomical work, Professor Brown, is the gentleman who came before us.

Mr. MORGAN. I have drawn attention to this subject, not that I propose to move any amendment that would disturb the order of the bill, unless the Senator from Iowa thinks it ought to be done; but I want to call the attention of the Senate to the fact that this great Observatory is without any real organization in law, and it is a haphazard, piecemeal sort of arrangement by which it has been put under the Navy Department. It was first called the National Observatory of the United States. It was afterwards called the Naval Observatory of the United States, and was put under the Navy Department. No head or management of the Observatory, as I understand it, has ever been appointed or given the direction of it, but an officer of the Navy is detailed to take charge of the Observatory from time to time, who controls this matter. However, it is not a military office in any sense of the word, and it does not follow that a man educated at Annapo-

lis has any very special training in astronomy. It seems to me that that great institution is very badly crippled for want of a proper organization.

We have here upon the recommendation of what is called the chief astronomer a provision by which an assistant spectroscopist is to be appointed, and yet they have made no reports recently of any work of that kind in the observatory. I suppose there must be work of that kind going on, but the reports ought to show it if they are of any value at all.

Now, this great Observatory, perhaps the largest national observatory in the world—I think it is the largest one in the world—not larger, perhaps, though more costly, than some of the private observatories—has cost the Government of the United States for the site, buildings, grounds, and outfit \$655,845, and the roads, pathways, and gradings \$95,900, making a total cost of \$751,745.

As I understand it, the observatory does not have the rank amongst the observatories of the United States that it ought to have. There is very valuable work done there, a great deal of it, no doubt, but simply for the want of proper organization the work has not been conducted in the way it ought to be. I have introduced a bill in the Senate to organize the Observatory, for it has never had any organization.

I wanted to call the attention of the chairman of the committee to this particular appropriation, with a view of drawing out some expression from him, or from some one who is informed particularly on the subject, about certain points. Congress, it seems, has neither defined the objects for which the Observatory was founded, made any provision for its control, or appointed any authority to determine what it should do or to report upon its work, nor assigned to it any public function. What the Navy Department has been able to do is to provide for its government as a naval station, appoint an officer to command it, detail professors in the Navy for duty, give to the senior of these professors the title of astronomical director, and charge him with the duty of determining what astronomical work shall be done. But, as far as known, it has never been able to provide the head of the establishment, or the astronomical director, with any instructions or suggestions as to what the Observatory should do.

I am willing that this assistant spectroscopist shall be appointed and that he shall have the salary proposed to be paid under this proposed act, at the present time, because it seems that everything which is suggested here by a naval officer who is connected with the Observatory goes without any regulations of law at all. There is no law to regulate the National Observatory.

I trust the Senator from Iowa will explain to us what is the necessity for this provision.

Mr. CHANDLER. Mr. President, I am very glad that this subject has attracted the attention of the Senator from Alabama. The Senator will find a report from the Naval Committee accompanying a bill for the reorganization of the Naval Observatory.

Mr. MORGAN. I have seen that report.

Mr. CHANDLER. That bill was the fruit of a careful investigation made by a board of visitors consisting of three eminent astronomers, a Senator, and a member of the House of Representatives, who visited the Observatory a year ago last summer. I ask the Senator to look at the report of that board.

Mr. MORGAN. I have examined the report.

Mr. CHANDLER. And also I will commend to him as a very clear and candid exposition of the whole subject, in addition to the report, some remarks of mine made last winter. They are lengthy, but they are instructive; and when the naval appropriation bill comes up I hope the Senator will aid myself and the committee in securing some appropriate legislation to improve the management of the Observatory; but it is not proposed by that bill to take the Observatory wholly away from naval control. It is proposed to establish a permanent board of visitors, on which shall be some of the most eminent astronomers, and also to make the astronomical corps a corps of civil officers, instead of a corps of life officers in the Navy. There are other incidental improvements of administration which are recommended. I hope there will be some legislation on the subject.

There is not, I will add, perfect satisfaction among the astronomers of the country with the work of the National Observatory; and it was that dissatisfaction which led to the appointment of this board of visitors.

The subject is worthy of the very careful consideration of the Senate and of Congress, but not, I submit to the Senator from Alabama, in connection with this appropriation, which must be made.

Mr. MORGAN. I was quite aware of that.

Mr. CHANDLER. I wish further to say that the recommendations of a slight enlargement of the appropriation of last year for the special work alluded to in this bill as it now stands are, in my opinion, very judicious, and I hope the Senator from Alabama will not endeavor to prevent their adoption.

Mr. MORGAN. No, Mr. President, I did not set out with a view of preventing the adoption of this particular amendment,

but to call attention to the want of organization of the National Observatory, or the Naval Observatory, as we call it.

I remember distinctly and well the very able and learned speech made by the Senator from New Hampshire [Mr. CHANDLER] on the subject, and I think every other Senator remembers it. It gave great gratification to the Senate and the country, as did the report to which the Senator refers. My attention was drawn to this subject by that report and by the Senator's remarks, and I took it upon myself to confer with some gentlemen of eminence as astronomers to ascertain what their views were upon the subject of the reorganization of the Naval Observatory.

Mr. CHANDLER. And the bill introduced by the Senator on the subject is now before the Naval Committee.

Mr. MORGAN. Yes; and I hope the committee will give attention to it.

Mr. ALLISON. Just one word. Professor Brown, who appeared before the committee to explain this matter, called attention to the fact that the "assistant on equatorial" was a highly skilled and well-educated astronomer, and a young man who had ambition in that direction. He was borne on the rolls and is now borne on the rolls as a skilled laborer at \$720 a year. The other, the "assistant in spectroscopic work," named here, is on the rolls as a skilled laborer at \$720 a year. The committee, upon its own volition, after seeing the changes which were necessary to be made, believed that these two young men, both highly educated, and skilled in the special work to which they are assigned, should have increased compensation, and so we made this change to slightly increase their compensation.

Mr. GALLINGER. What is the proposed increase?

Mr. ALLISON. From \$720 to \$1,000 a year each. That is all there is in the amendment. We reduce the number of laborers.

Mr. MORGAN. I did not rise to make any reflection upon the amendment.

Mr. ALLISON. I agree with the Senator that it may be necessary to reorganize the Naval Observatory. That has been in contemplation for some years; but, of course, it can not properly be done at this time on an appropriation bill.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. ALLISON. On page 93, line 11, after the words "one thousand," I move to insert "two hundred;" so as to make the appropriation for the salary of the assistant draftsman in the Bureau of Steam Engineering \$1,200.

The amendment was agreed to.

Mr. ALLISON. I now move, in line 13, to change the total of the appropriation for the Bureau of Steam Engineering from \$12,540 to \$12,740 to correspond with the amendment just made.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. ALLISON. On behalf of the Committee on Appropriations, on page 94, line 3, in the clause making appropriations for the "Bureau of Supplies and Accounts," I move to strike out the word "two," where it first occurs, and insert "three;" in line 4, before the words "clerks of class 1," to strike out "eleven" and insert "ten;" and in line 7, after the word "thousand," to strike out "six" and insert "eight."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 94, line 3, before the words "clerks of class 2," it is proposed to strike out "two" and insert "three;" in line 4, before the words "clerks of class 1," to strike out "eleven" and insert "ten;" and in line 7, after the word "thousand," to strike out "six" and insert "eight;" so as to make the clause read:

Bureau of Supplies and Accounts: For chief clerk, \$2,000; 3 clerks of class 4; 6 clerks of class 3; 3 clerks of class 2; 2 stenographers, at \$1,400 each; 10 clerks of class 1; 5 clerks, at \$1,000 each; 1 assistant messenger; 1 messenger boy, \$420, and 1 laborer; in all, \$42,800.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Department of the Interior," on page 95, line 11, to increase the appropriation for salary of the chief clerk as superintendent of the Patent Office building and other buildings of the Department of the Interior, from "\$250 additional" to "\$500 additional;" on page 96, line 8, to increase the number of clerks of class 4 in the office of the Secretary of the Interior, from "12" to "14;" in the same line, to increase the number of "clerks of class 3" from "11" to "14;" in line 9, to increase the number of "clerks of class 2" from "13" to "18;" in the same line, to increase the number of "clerks of class 1" from "27" to "28;" in line 14 to increase the number of "clerks at \$1,000 each" from "2" to "5;" and on page 97, line 5, to increase the total appropriation for maintenance of the office of the Secretary of the Interior, from \$249,060 to \$268,910.

The amendment was agreed to.

Mr. ALLISON. On page 95, line 23, before the words "special inspectors," I move to strike out "two" and insert "four."

The amendment was agreed to.

Mr. ALLISON. On page 97, line 6, before the word "thousand," I move to strike out "sixty-eight" and insert "seventy-three," so

as to increase the total of the appropriations for the office of the Secretary of the Interior, in accordance with the amendment just made, from "\$268,910" to "\$273,910."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 97, line 23, after the word "dollars," to insert "assistant attorney, \$2,750;" in line 24, before the word "assistant," to strike out "four" and insert "three;" on page 98, line 1, after the word "each," to strike out "additional to one assistant attorney, \$250;" so as to make the clause read:

Office of Assistant Attorney-General: For assistant attorney, \$3,000; assistant attorney, \$2,750; 3 assistant attorneys, at \$2,500 each; 4 assistant attorneys, at \$2,250 each; 10 assistant attorneys, at \$2,000 each; 4 clerks of class 3, 1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter; 1 clerk of class 1; in all, \$49,850.

The amendment was agreed to.

The next amendment was, on page 101, line 13, before the word "clerks," to strike out "fourteen" and insert "fifteen;" in line 23, before the word "assistant," to strike out "two" and insert "four;" in line 23, before the word "laborers," to strike out "two" and insert "three;" in the same line, after the word "laborers," to strike out "female messenger, \$840;" in line 24, after the word "dollars," to insert "4 charwomen;" and on page 102, line 2, before the word "dollars," to strike out "thirty-four thousand five hundred" and insert "thirty-eight thousand three hundred and twenty;" so as to make the clause read:

Indian office: For the Commissioner of Indian Affairs, \$4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, \$3,000; financial clerk, \$2,000; chief of division, \$2,000; principal bookkeeper, \$1,800; 5 clerks of class 4; 15 clerks of class 3; draftsman, \$1,600; draftsman, \$1,500; architect, \$1,500; stenographer, \$1,400; stenographer, \$1,400; 11 clerks of class 2; 26 clerks of class 1; 14 clerks, at \$1,000 each; 1 stenographer, and 1 clerk to superintendent of Indian schools, at \$1,000 each; 17 copyists; 1 messenger; 4 assistant messengers; 3 laborers; messenger boy, \$360; 4 charwomen; in all, \$138,320.

The amendment was agreed to.

The next amendment was, on page 103, line 6, to increase the appropriation for the salary of "captain of the watch of the Pension Office," from "\$840" to "\$900," and in line 10, to increase the total appropriation for the maintenance of the Pension Office, from \$1,971,210 to \$1,971,270.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 106, after line 6, to insert:

For equipment of new scientific library rooms with steel stacks and other fireproof and labor-saving furniture and apparatus, \$5,000.

The amendment was agreed to.

The next amendment was, on page 107, line 12, to increase the appropriation for the salary of the Commissioner of Education from "\$3,000" to "\$3,500," and on page 108, line 3, to increase the total appropriation for the maintenance of the Bureau of Education, from "\$51,820" to "\$52,320."

The amendment was agreed to.

Mr. ALLISON. I move to insert before the word "educational," at the beginning of line 19, on page 107, the words "Spanish-American;" in the same line, before the word "hundred," to strike out "four" and insert "six;" and on page 108, line 3, before the word "hundred," to strike out "three" and insert "five;" so as to make the total \$52,520.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 108, line 18, after the word "periodicals," to insert "newspapers;" and in line 20, after the word "of," to insert "books, and;" so as to make the clause read:

For books for library, current educational periodicals, newspapers, other current publications, and completing valuable sets of books, and periodicals, \$250.

The amendment was agreed to.

Mr. ALLISON. On page 109, after line 5, on behalf of the committee, I move to insert what I send to the desk, as a new clause.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment will be stated.

The SECRETARY. After line 5, on page 109, it is proposed to insert:

Office of the Commissioner of Railroads: For commissioner, \$4,500; 1 clerk of class 2; 1 clerk, \$1,000; 1 assistant messenger; in all, \$7,620: *Provided*, That the office of Commissioner of Railroads is hereby continued until the 30th day of June, 1902, when the same shall terminate, and the duties of the commissioner shall be transferred to the Secretary of the Interior, together with the records and files of the office.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 111, line 8, to increase the appropriation for clerks in the office of the surveyor-general and ex officio secretary of the district of Alaska from \$3,000 to \$5,000, and, in the same line, to increase the total appropriation for the office of the surveyor-general and ex officio secretary of the district of Alaska from \$7,000 to \$9,000.

The amendment was agreed to.

The next amendment was, on page 112, line 5, to increase the appropriation for clerks in the office of the surveyor-general of

Colorado from \$10,000 to \$11,500, and, in line 6, to increase the total appropriation for the maintenance of the office of the surveyor-general of Colorado from \$12,000 to \$13,500.

The amendment was agreed to.

The next amendment was, on page 112, line 19, to increase the appropriation for clerks in the office of the surveyor-general of Idaho from \$8,000 to \$9,000, and, in line 20, to increase the total appropriation for the maintenance of the office of the surveyor-general of Idaho from \$10,000 to \$11,000.

The amendment was agreed to.

The next amendment was, on page 113, line 14, to increase the appropriation for clerks in the office of the surveyor-general of Montana from \$11,000 to \$12,000, and, in line 15, to increase the total appropriation for the maintenance of the office of surveyor-general of Montana from \$13,000 to \$14,000.

The amendment was agreed to.

The next amendment was, on page 113, line 21, to increase the appropriation for clerk in the office of the surveyor-general of Nevada from \$1,500 to \$2,500, and, in line 22, to increase the total appropriation for the maintenance of the office of surveyor-general of Nevada from \$3,300 to \$4,300.

The amendment was agreed to.

The reading of the bill was continued to the end of line 11, on page 115.

Mr. ALLISON. On page 115, line 10, I move to strike out "eight" and insert "ten," and in line 11 to strike out "ten" and insert "twelve."

The PRESIDING OFFICER. The Senator from Iowa proposes an amendment, which will be stated.

The SECRETARY. In line 10, page 115, it is proposed to strike out "eight" and insert "ten," and in line 11 to strike out "ten" and insert "twelve;" so as to read:

For surveyor-general of Utah, \$2,000; and for the clerks in his office, \$10,000; in all, \$12,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was on page 115, line 18, to increase the appropriation for clerks in the office of the surveyor-general of Washington from \$8,800 to \$9,400, and in line 19 to increase the total appropriation for office of the surveyor-general of Washington from \$10,800 to \$11,400.

The amendment was agreed to.

The next amendment was, on page 115, line 25, after the word "office," to strike out "six thousand three" and insert "seven thousand two;" in line 2, page 116, before the word "hundred," to strike out "eight thousand three" and insert "nine thousand two;" and in line 7, before the word "dollars," to insert "three hundred and fifteen;" so as to read:

For surveyor-general of Wyoming, \$2,000; and for the clerks in his office, \$7,200; in all, \$9,200.

For rent of office for the surveyor-general, pay of messenger, stationery and supplies, lights, ice, post-office box rent, drafting instruments, mounting maps, towels, books of reference for office use, and other incidental expenses, \$1,315.

The amendment was agreed to.

The next amendment was, on page 119, line 23, to increase the number of clerks of class 4 in the office of the Third Assistant Postmaster-General from 5 to 6; in line 24 to increase the number of clerks of class 1 from 26 to 27; in line 25 to increase the number of clerks at \$1,000 each from 13 to 14; on page 120, line 1, to increase the number of assistant messengers from 3 to 4; and in line 3 to increase the total appropriation for the maintenance of the office of the Third Assistant Postmaster-General from \$157,650 to \$162,770.

The amendment was agreed to.

The next amendment was, on page 120, line 8, to reduce the maximum per diem allowance for assistant superintendents of registry system, when actually traveling on business of the Department, from \$4 to \$3 per day.

The amendment was agreed to.

The next amendment was, on page 121, line 20, to increase the appropriation for the salary of one electrician in the office of the disbursing clerk from \$1,200 to \$1,400; and on page 122, line 11, to increase the total appropriation for the maintenance of the office of the disbursing clerk from \$93,280 to \$93,480.

The amendment was agreed to.

The next amendment was, on page 123, line 12, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" in line 14, before the word "dollars," to insert "five hundred;" in line 16, before the word "hundred," to strike out "eight" and insert "nine;" and in line 17, after the word "dollars," to insert "including \$100 for the office of the Auditor for the Post-Office Department;" so as to make the clause read:

For miscellaneous items, including \$2,000 for the office of the Auditor of the Post-Office Department, \$15,500, of which sum not exceeding \$3,985 may be expended for telephone service, and not exceeding \$900, including \$100 for the office of the Auditor for the Post-Office Department, may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

The amendment was agreed to.

The next amendment was, on page 126, line 23, after the word "dollars," to insert "law clerk, \$2,000;" and on page 127, line 2, before the word "thousand," to strike out "twenty-eight" and insert "thirty;" so as to make the clause read:

Office of the Solicitor of the Treasury: For Solicitor of the Treasury, \$4,500; assistant solicitor, \$3,000; chief clerk, \$2,000; law clerk, \$2,000; 4 clerks of class 4; 4 clerks of class 3; 3 clerks of class 2; 1 assistant messenger; and 1 laborer; in all, \$30,680.

Mr. ALLISON. I move to amend the amendment by striking out "four," in line 24, and inserting "three;" and in line 2, page 127, by striking out "\$30,680" and inserting "\$29,080."

The SECRETARY. On page 126, line 24, it is proposed to strike out "four" and insert "three;" and on page 127, line 2, to strike out "\$30,680" and insert "\$29,080;" so as to make the clause read:

Office of the Solicitor of the Treasury: For Solicitor of the Treasury, \$4,500; assistant solicitor, \$3,000; chief clerk, \$2,000; law clerk, \$2,000; 4 clerks of class 4, 3 clerks of class 3, 3 clerks of class 2, 1 assistant messenger, and 1 laborer; in all, \$29,080.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. RAWLINS. I should like to invite the attention of the Senator in charge of this bill to page 115. I see we have passed over the provision commencing in line 10 on that page.

Mr. ALLISON. I have moved and the Senate has inserted the amendment suggested by the Senator some time ago.

Mr. RAWLINS. Increasing the appropriation from \$8,000 to \$10,000?

Mr. ALLISON. Striking out "eight" and inserting "ten."

Mr. JONES of Arkansas. Was there an agreement that committee amendments should all be disposed of before any others should be taken up?

Mr. ALLISON. There was.

Mr. JONES of Arkansas. I wish to offer an amendment to a part of the bill which has been passed over, and I desire to reserve my right.

Mr. ALLISON. We will be through with the reading of the bill in a moment.

The PRESIDENT pro tempore. Unanimous consent was given that committee amendments should first receive consideration.

The reading of the bill was resumed and continued to the end of line 11, on page 128.

Mr. BUTLER. I should like to ask the Senator in charge of the bill what the appropriation in line 11 is for. It says for "procuring strike data."

Mr. ALLISON. The Commissioner of Labor has had under investigation the question of strikes. It is not quite completed, and it is intended to expend this money, if necessary, to complete the data. It pertains to our country, and I think he has some information in reference to other countries.

Mr. BUTLER. It is to be expended for newspapers. Can the Senator tell what kind of newspapers will be subscribed for in order to secure information, and where they are located?

Mr. ALLISON. I should think it would be expended in the purchase of newspapers that describe strikes. I am not sure about the details. I should think that would be the way it would be done. The Commissioner of Labor is investigating this subject, and I think has made one report upon it.

Mr. GALLINGER. He has.

Mr. ALLISON. And probably he will make another one.

Mr. BUTLER. It is a peculiar provision. If we are to have a report it will be based on certain newspaper information it seems.

Mr. ALLISON. It will cost only \$100 in all. I think the Commissioner of Labor can be trusted with that sum of money for that purpose.

Mr. BUTLER. It is not the amount. It is more the source of information from which we are to get a report on strikes.

Mr. ALLISON. I suppose he will verify the report in this matter as in other matters.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 130, line 8, to increase the appropriation for the salary of the reporter of the United States district court for the Territory of Hawaii from \$1,200 to \$1,500; and in line 9 to increase the total appropriation for maintenance, district court, Territory of Hawaii, from \$4,200 to \$4,500.

The amendment was agreed to.

The next amendment was, on page 131, line 5, after the word "and," to strike out "one" and insert "two;" so as to make the clause read:

To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year 1902, \$5,000.

The amendment was agreed to.

The next amendment was, on page 131, line 12, to increase the appropriation for the salary of reporter, court of appeals, District of Columbia, from \$1,000 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 131, line 18, to increase the

total appropriation for the maintenance of the court of appeals, District of Columbia, from \$25,720 to \$26,220.

The amendment was agreed to.

The next amendment was, in the items for commissioners, Yellowstone Park, on page 132, after line 15, to insert:

For contingent fund for commissioner's office, including fuel, furniture, and necessary miscellaneous expenses, \$250.

The amendment was agreed to.

The next amendment was, on page 132, line 21, to increase the appropriation for the salary of the chief clerk of the Court of Claims from \$3,000 to \$3,500, and on page 133, line 5, to increase the total appropriation for the maintenance of the Court of Claims from \$44,540 to \$45,040.

The amendment was agreed to.

The next amendment was, on page 134, line 14, after the word "competent," to insert the following proviso:

Provided, That such temporary clerks who have been in the service of the Government for two years, and who have demonstrated their efficiency, may, in the discretion of the Secretary of the Department in which they are employed, be appointed to fill vacancies in the classified service whenever such vacancies occur.

Mr. LODGE. Mr. President, against that amendment I make the point of order. It is clearly new legislation and a change in the existing law.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. ALLISON. I am sorry.

The Secretary resumed and concluded the reading of the bill.

Mr. ALLISON. I ask attention to page 130. In the items for the office of the Fourth Assistant Postmaster-General, line 21, page 120, I move to strike out "nine" before "clerks" and insert "twelve;" so as to read:

Twelve clerks, at \$1,000 each.

The amendment was agreed to.

Mr. ALLISON. In line 25, I move to strike out "eleven," before "thousand," and insert "fourteen;" so as to read:

In all, \$114,500.

The amendment was agreed to.

Mr. ALLISON. On page 5, after line 16, I move to insert:

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, \$1,000.

The amendment was agreed to.

Mr. ALLISON. On page 60, in the items for the office of the Commissioner of Internal Revenue, in line 18, after the word "of," I move to insert:

Sixteen additional agents, to be appointed under the provision of section 3 of said act, in lieu of the

So as to read:

And for salaries and expenses of sixteen additional agents, to be appointed under the provision of section 3 of said act, in lieu of the ten additional agents provided for in section 3, etc.

On the same page, in line 21, I move to strike out, before "thousand," the words "six hundred and fifty" and insert "four hundred;" so as to read "\$400,000."

This amendment is recommended by the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. ALLISON. On page 62, I move to insert several amendments. They relate to the office of assistant treasurer at Cincinnati. They slightly increase the total amount, but the arrangement of clerks and employees is changed according to the estimates of the Secretary of the Treasury. On page 62, line 22, after the word "thousand," where it first occurs, I move to insert "two hundred and fifty;" so as to read:

Cashier, \$2,250.

The amendment was agreed to.

Mr. ALLISON. In line 24, I move to strike out the words "2 clerks, at \$1,200 each," and to insert in lieu thereof:

Paying teller, \$1,500; coin and exchange teller, \$1,200.

The amendment was agreed to.

Mr. ALLISON. On page 63, lines 3 and 4, I move to strike out the words:

Two night watchmen, at \$720 each.

And to insert in lieu thereof:

Clerk and watchman, \$840; night watchman, \$600.

The amendment was agreed to.

Mr. ALLISON. In line 4, on the same page, I move to strike out "six hundred" and insert "seven hundred and twenty" before the word "dollars;" so as to read:

Messenger, \$720.

The amendment was agreed to.

Mr. ALLISON. In line 5 I move to change the total from "\$19,360" to "\$20,030."

The amendment was agreed to.

Mr. ALLISON. I have no further amendments to present.

Mr. JONES of Arkansas. I move, on page 126, after line 2, to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 2, page 126, insert:

To authorize the Attorney-General to employ an additional assistant attorney to be assigned to represent the United States before committees of the Senate or House of Representatives in relation to bills for the payment or allowance of claims against the United States, \$3,000. Records or minutes of the cases in which such attorney appears shall be kept in the Department of Justice, which shall show briefly the name of the claimant, amount of claim, and the facts on which the claim is based, with a memorandum of the defenses of the Government against such claims, together with the action of Congress thereon.

Mr. JONES of Arkansas. Mr. President, every Senator who has served upon the Committee on Claims or the Committee on Indian Affairs, or other similar committees in the Senate, will recognize the fact that members of those committees are expected to act practically as attorneys for the Government and as judges in all the cases of large claims that are presented here against the Government. There are always attorneys employed to represent the side of claimants. They present only so much of the claims as is absolutely necessary to make their case out. They present nothing that will be a defense on the part of the Government. No one can blame those people for making their cases out as strong as they can make them. It is absolutely impossible for members of the committee to find the facts or to keep the facts together which are necessary to defend the Government against these claims.

I have myself seen instances of gross injustice done the Government by the passage of claims of this kind, where if there had been an attorney whose duty it was to make up and present the defense of the Government upon the request of the chairman of the committee, justice would have been done, and the Government would have been protected against injustice. I believe, and I have believed for years, that it is necessary to have such an officer, who shall be summoned by the chairman of the committee or by the committee itself, to present the defense of the Government against claims of this kind when they are presented, so that whatever defense the Government may have against the claims shall be fairly understood.

In many of these cases when a committee has gone into it fully and understands whatever of defense there is against the claim it will be dropped, it will not be prosecuted, it will pass out of mind. There is no record kept of the defense for the Government, as there is no record kept of what is in the minds of members of the committee which would show that the claim ought not to be paid.

If this amendment passes, there will be an officer whose duty it is to keep a record of matters of this kind in the Department of Justice, so that whenever a claim has been disposed of adversely at one time it can not be brought up again on an ex parte showing and have the claim allowed simply because no one happens to be on the committee who is familiar with the facts. It is an economy to have this done. It should have been done years ago, and I hope there will be no objection to it on the part of any member of the committee or on the part of any Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. CHANDLER. Mr. President, I desire to speak to the amendment. I am not prepared to oppose the amendment, and yet it is a new and unusual thing. Here is a proposition to require practically the executive department of the Government to employ counsel to appear for the Government before committees of the legislative department of the Government. It seems to me that that is unnecessary. Any committee of this body has the right now to send, not for a particular officer of the Government, but for any officer of the Government, to furnish all the information within the possession of the executive branch concerning any particular claim. We have full power. We can exhaust the resources of the executive and bring before the committees everything which the records and archives of the Government can furnish connected with a claim.

Now, Mr. President, having this authority, it does not occur to me that we ought to provide by statute for an assistant attorney-general whose business it shall be to appear before committees of Congress. I am not certain that it might not work well in practice, but I am extremely suspicious of all attempts to commingle the powers of the various branches of the Government. I hesitate very much about agreeing to the amendment. Has it been considered by the committee, I will ask the Senator from Arkansas?

Mr. JONES of Arkansas. It was considered by the Committee on Indian Affairs in connection with one of these claims and was unanimously recommended by that committee.

Mr. CHANDLER. Mr. President, I would be willing to vote, of course, \$3,000 for the salary of another assistant attorney-general if the Attorney-General should say, "I want such an officer, because I have occasion to send information to the committees of Congress and to present the views of the Government in opposition to claims against the Government." I should say

then, furnish him the additional officer. But providing by law that the executive branch of the Government shall defend a claim pending before a committee of Congress, making a docket of such proceedings, is so unusual that I am constrained to believe it is unwise.

Mr. JONES of Arkansas. The proposition in the amendment is that this officer, an assistant attorney—not an assistant attorney-general, but an attorney—shall be employed by the Department of Justice, who shall, on the request of a committee or the chairman of the committee, appear for the purpose of presenting the Government's side of one of these claims.

Mr. PLATT of Connecticut. Mr. President, I hope this amendment will be adopted. Claims that are meritorious are often refused by Congress for the reason that they are not carefully examined and can not be carefully examined, while claims that are not meritorious are pushed through Congress upon a one-sided, specious presentation of the case. Any Senator who has been on a committee before which claims have been pending against the Government has felt the necessity of having some one upon whom he or the committee could call to give all the facts in the case on the Government's side of it. We get all the facts on the claimant's side, and we get them presented very skillfully and very plausibly, but we get nothing of the facts on the Government's side of the case.

I think that an officer of this sort, upon whom we might call, would facilitate the payment of honest claims against the Government and would do very much to prevent the passage of claims which ought not to be passed.

Mr. McCOMAS. May I ask the Senator a question before he takes his seat? Why should not such claims, with a prima facie appearance of right, be sent to the Court of Claims, where the Government has ample attorneys for that purpose?

Mr. PLATT of Connecticut. The Committee on Claims reported here last year a bill, I think, of eight or ten million dollars—something of that sort. These claims come to Congress. A good many of them are sent to the Court of Claims, but it is impossible to send all of them there. A great many of them have to be passed upon by Congress. I do not think this would interfere with the executive department any more than if a committee should send for any officer of an Executive Department, as the Senator from New Hampshire says we have a right to send.

Mr. McCOMAS. If a dozen committees should meet on the same morning and should want an attorney, it would scarcely be very effective to assist a dozen committees.

Mr. PLATT of Connecticut. The attorney would at least do this: He would know the claims that are pending before Congress, and in the vacation he would be devoting his attention to those claims to find out whether they were supported by facts on which payments ought to be made.

Mr. TELLER. Mr. President, I wish to suggest to the Senator moving the amendment that he amend it so that this officer shall appear before a committee only at the invitation of the committee.

Mr. JONES of Arkansas. That was the intention, and if it is not so expressed in the amendment, I simply omitted it. Let the words "at the request of any committee of either the Senate or the House" be inserted.

Mr. TELLER. That should be done. He should not be required to come simply because there is a claim pending.

Mr. JONES of Arkansas. Certainly not. I never intended it that way.

Mr. CHANDLER. It is so provided.

Mr. TELLER. It is not so provided in the amendment.

Mr. CHANDLER. I understood it to be provided that he should come at the request of a committee.

Mr. JONES of Arkansas. That is what I intended.

Mr. TELLER. I read it over hastily, but I do not think you will find that that will be the inference.

Mr. JONES of Arkansas. If it is not so expressed, I intended it to be, and I will accept the suggestion. It should read, "at the request of committees of either the Senate or the House."

The PRESIDENT pro tempore. The amendment will be again read to the Senate.

The Secretary read the amendment, as follows:

To authorize the Attorney-General to employ an additional assistant attorney to be assigned to represent the United States before committees of the Senate or House of Representatives in relation to bills for the payment or allowance of claims against the United States, \$3,000. Records or minutes of the cases in which such attorney appears shall be kept in the Department of Justice, which shall show briefly the name of the claimant, amount of claim, and the facts on which the claim is based, with a memorandum of the defenses of the Government against such claims, together with the action of Congress thereon.

Mr. JONES of Arkansas. I agree with the Senator from Colorado.

Mr. TELLER. It should be changed in that way.

The PRESIDENT pro tempore. The Senator from Arkansas modifies his amendment.

Mr. CHANDLER. Mr. President, I still warn Senators that

they are building up a most extraordinary bureau in the Attorney-General's Office. The assistant attorney-general will soon want an assistant attorney. I do not know what an assistant attorney of the United States is. The language is peculiar in that respect. He should be, of course, an assistant attorney-general, if he is to appear in this way.

There will soon be required an assistant to the assistant and a clerk. We shall soon have in the Attorney-General's Office a bureau for the defense of claims pending before the committees of the two Houses of Congress, and to that extent the various Departments will be relieved of the responsibility of placing the facts constituting the defense of claims before the committees of the two Houses. You will immediately, when you establish this bureau, relieve the Secretary of the Interior and the Secretary of War from the duty of watching unjust claims that are pending before Congress and are being investigated by committees, and you will transfer that to this new and extraordinary branch or bureau or office of the executive department of the Government of the United States.

Mr. President, I venture to say that it is an anomaly which does not exist anywhere in any government, where the legislative branch of the government insists upon having provided a particular attorney for the executive branch of the government to appear before the legislative branch of the government in the defense of claims. We substitute for all the Secretaries and all the subordinate officers of the various Departments one assistant attorney at a salary of \$3,000, and put upon him the responsibility of appearing to communicate to Congress the facts constituting the defenses to these claims.

Now, Mr. President, beware of the beginnings of a movement of this kind. If the Attorney-General finds so much is wanted of him in connection with claims pending here that he needs another assistant attorney-general, let us give it to him; but the amendment of the Senator from Arkansas proposes to transfer to the Department of Justice from the various heads of the Departments their duty of notifying committees and to put upon the Department of Justice the duty of presenting the defenses of the Government.

I insist upon it that that responsibility ought not to be taken from the various Secretaries and transferred to the Department of Justice, but that the power of Congress over all the Departments of the Government and over every officer of all the Departments of the Government should be maintained without concentrating the defense of claims in one assistant attorney.

I repeat, Mr. President, one man will prove entirely inadequate to this work. If we go on according to the spirit and intention of the amendment proposed by the Senator from Arkansas, we are establishing an executive bureau of the Government whose sole business it shall be to defend claims against the Government pending in the legislative branch.

Mr. STEWART. Mr. President, I regret that there should be any opposition to this amendment. I have been on the Committee on Claims for many years. It is impossible for a Senator on that committee to look up the facts on both sides of a particular case. Those who are interested present their side of the case, and it is, of course, altogether ex parte. Besides, as there is no way of keeping a record of the cases, frequently where we supposed a claim was dead and gone forever, it is again resurrected. Sometimes, even after thirty or forty years have passed away, we find such cases coming up, and there is no orderly record kept by which they can be disposed of without going into a new investigation. In many of these cases I have known Senators here to spend days and days investigating claims which have already been investigated and ought never to have been heard of again.

It may be said that this proposition is new, that it is unusual; but I understand that in the British Parliament there is always an attorney to defend and protect the interests of the Government before Parliamentary committees, and that that has always been the case. That has been a want here which has been felt. Millions of dollars would have been saved to the Government if we had had such an officer, and claims which are just would go through. We could sort them out. In the case of new Senators coming here and starting in as members of the Committee on Claims, they are obliged to investigate these claims without any record of their previous history. There is nobody to follow them up and nobody to defend them. That is a very poor way to try cases, and so they can not be fairly tried or disposed of.

Before the Committee on Indian Affairs there are claims constantly coming forward connected with treaties which are complicated and which require days to examine. If we had an attorney who would keep a record of what is done, he would be prepared to come in on these old matters and advise the committee. The committee then would not be so frequently misled and would not bring so much material into the Senate that is undigested. There is a crying need for an attorney in such cases. Even if it should take two, or three, or half a dozen such attorneys, it would save millions of dollars to the Government and you would do justice

where you are now failing to do justice. So I am decidedly in favor of an amendment of this character.

Mr. ALLISON. Mr. President, I feel constrained to object to the consideration of the amendment upon this bill. I think there is much force in what the Senator from Arkansas [Mr. JONES] and other Senators have said upon this subject; but I think this matter should be considered with great care by the Judiciary Committee of the Senate, reported to the Senate, and considered upon a bill at a later day; and, if necessary, I have no doubt unanimous consent can be had to consider such a bill.

Mr. JONES of Arkansas. I hope the Senator will not object to a vote being taken upon this proposition. There are so many flagrant instances of injustice being done to the Government, which this provision, if adopted, would guard against, that I certainly do not think the Senator from Iowa can object to it.

While the Senator from Nevada [Mr. STEWART] was on his feet a moment ago I recalled a case that was before the Committee on Claims when he and I were both members of it, where a claim for more than \$300,000 was presented to that committee which seemed perfectly straight on its face, but one member of the committee happened to remember facts that were away back in the files of the Senate, which were thereupon hunted up, and which being brought up showed the absolute injustice of the whole claim. The knowledge of those facts probably existed only in the mind of that Senator at the time. When claims are presented and urged by attorneys representing the claimants, in the absence of a proper record of previous action thereon, facts which would show the injustice of the claims may be forgotten. There ought to be a record kept to protect the Government against injustice in such cases.

Mr. ALLISON. That may all be true; but I know of two or three claims with which I have had some connection on the Appropriations Committee which would require an attorney, if he investigated them thoroughly, to work every day for six months.

Mr. STEWART. Certainly.

Mr. JONES of Arkansas. Then it ought to be done.

Mr. ALLISON. And I very much fear what has been so well said by the Senator from New Hampshire [Mr. CHANDLER], that we are building up a bureau here which will require a great number of clerks, and that a large number of files and papers will accumulate here or in the Office of the Attorney-General.

This may be a wise thing to do. I may be for it, and I think we shall all be for it after it has been carefully matured by the Judiciary Committee of this body. I think, however, the salary proposed is wholly inadequate for an attorney who is capable of investigating the variety and character of claims with which he would have to deal.

Mr. JONES of Arkansas. Then make the salary larger. I did not make any suggestion to the Department of Justice, but I wrote a note to the Attorney-General and asked him to prepare the form of an amendment. The form of the amendment and the salary were fixed by the Attorney-General himself.

Mr. ALLISON. We can consider this question at a later stage of the session.

Mr. TILLMAN. I would suggest to the Senator from Iowa that the point which occurs to me is, how are you going to get rid of the judicial functions of this officer if he is to pass upon the justice and injustice of a claim and determine it in his own mind?

Mr. JONES of Arkansas. There is no such proposition. All he will have to do will be simply to get the facts on the part of the Government and present them to the committees of Congress.

Mr. TILLMAN. I can see that it might save a good deal of money, but at the same time a great deal of injustice might be done by an attorney employed by the Government to come here and present the case against a claimant whose claims are absolutely just, whereas the claimant's side may not be properly presented.

Mr. JONES of Arkansas. If the Senator will allow me in that connection, the suggestion, I believe, of the Senator from Connecticut [Mr. PLATT] was that this proposition will facilitate the passage of all just claims. There is not a man in this Senate who does not know of claims that are absolutely just and fair which to-day are pending in Congress and have been pending here for years, which have not been paid.

Mr. TILLMAN. And many that can not even get consideration.

Mr. JONES of Arkansas. And many can not get consideration. They have not been paid for the reason that everybody who has appeared has been on one side of the case; the testimony is all ex parte, only one side being presented—that of the claimants, and no one appearing on behalf of the Government. If the facts on the part of the Government could come out plainly and be well known and distinctly understood, it would facilitate the passage of honest and just claims and prevent the passage of dishonest and unjust ones. Dishonest claims, as things stand now, have a better chance than honest claims, because men who will come here willing to sacrifice truth and honesty, and whose consciences do not interfere, will make false statements in order to secure favorable action on their claims, while in many stronger cases a man

who honestly comes and says, "Here is the difficulty; here is the reason why my claim was not paid," will fail to secure favorable consideration. I believe it is in the interest of honest claimants as well as in the interest of the Government that some such proposition as this should be adopted.

Mr. TILLMAN. If the Senator's contention is that this is in the interest of honest claimants, he will at once see the point I made in regard to the judicial character of this officer. You let him determine whether a claim is just or not.

Mr. JONES of Arkansas. Not at all. He has simply to present the facts.

Mr. TILLMAN. Then, how will the honest claimant get any consideration from a committee unless this attorney comes forward and presents the idea that this man's claim is a just claim? Therefore he will have decided the case in his own mind. You can not get rid of that conclusion.

Mr. SPOONER. If there is no objection to the claim, there would be no occasion for him to go before the committee.

Mr. JONES of Arkansas. The committee would not ask the attorney to appear in such a case.

Mr. TILLMAN. But the committee decide the claim entirely on this man's report.

Mr. SPOONER. If the committee ceases to exist mentally, yes; but if the committee is to continue to do its duty, simply being aided by the investigation of this attorney, no.

Mr. JONES of Arkansas. It will be only in cases where a committee so requests that this attorney will appear. In matters of no special importance the committee will not ask that an attorney shall be brought in; but in complicated cases, where a member of the committee can not make the necessary investigations, this man would be employed to look up the facts.

Mr. TELLER. I want to suggest to the Senator from Nevada [Mr. STEWART] who made the suggestion that we are working in the dark, that there is a very well arranged history of all these claims, which was prepared during the last two years—a full history of every claim that is now before Congress. I do not know whether the printing has been done or the work distributed yet, but it has been carefully prepared under the direction of the Senate by the Committee on Claims.

Mr. JONES of Arkansas. The Senator from Colorado does not mean to say that all the claims before all the committees are in that compilation?

Mr. TELLER. I understand that the compilation to which I refer was intended to be a sort of history of all claims before Congress of every kind and character. Of course, there may be one or two claims that are not included.

Mr. JONES of Arkansas. I will agree to name 25 important claims not mentioned in that compilation at all.

Mr. TELLER. The history to which I refer may not furnish the information the Senator from Arkansas [Mr. JONES] wants, but the Senator from Nevada [Mr. STEWART] suggested that claims have been paid when they ought not to have been paid, or something of that kind. I think we should have a complete history of all claims, so that if a claim has been paid that fact can be ascertained; and if it has been reported adversely, that can be found out. I do not think this has very much to do with the proposition. I understood the Senator from Nevada to be afraid that claims would be paid a second time.

Mr. STEWART. The Senator misunderstood me. I referred to old claims which come up again, which have been driven out by unanimous consent, with no particular record kept of them, and no report made upon them. We had no history of cases of that kind previous to the time when my friend from Colorado [Mr. TELLER] became the chairman of the Committee on Claims. I know that he has labored successfully since then, and that Congress made some appropriations so as to secure a history of claims.

Mr. TELLER. I did not cite that as touching this proposition. I thought probably the Senator did not understand that we had prepared such a history of claims.

Mr. STEWART. That is a work of great importance which was done after the Senator from Colorado took charge of the Committee on Claims. He undertook to make a history of claims before that committee; but in the Committee on Indian Affairs we are to a great extent working in the dark. Agreements with Indians and old claims of Indians, depending upon legal questions connected with Indian treaties, are coming up constantly. It takes a great deal of time to investigate them. The committee needs a competent man to make such an investigation, as the members of the committee have not time to do it.

Mr. MONEY. Mr. President, I concede the utility of an attorney to assist committees in getting at the facts in connection with claims. There is no doubt whatever in my mind that numbers of cases are put through here that are frauds; and there is no doubt, on the other hand, that many of the most meritorious and honorable claims are denied justice here day after day and session after session. The committees, however, have generally done as well as they could; they have made reports whenever able to do so; but the trouble is here in this body when you get the report made,

What is the use of testimony as to facts or citations as to the law being presented to this Senate when there is a case now pending, which has never had anything but unanimous favorable reports, upon a trust fund where the decision of the Supreme Court is held in contempt by this Senate?

What is the sense, then, of presenting claims here, I do not care how well supported in fact or in law, when this Senate has habitually disregarded the rights of claimants to a trust fund, so declared by the Supreme Court, and so expressed in the language of the statute itself, to authorize payment for property taken by the Government?

Not only that, but it was property taken in violation of every rule of civilized warfare among civilized nations, in violation of the rule laid down at The Hague, in violation of the regulations of our own Army and of every book on international law that was ever written; and yet the Senate habitually disregards the decisions of the Supreme Court whilst these claimants have been knocking at the doors of the Senate and of the House of Representatives for twenty-odd years without any redress; and when a bill comes in reported unanimously, as that bill has been year after year, it is put aside and has to give way continually to something else. I believe the money of the Government is going in the wrong direction, and that there should have been justice done in this case long ago.

I am in favor of one or more attorneys, if necessary, to get at the facts, and to arrange the decisions on the law to assist the committees; but what we need is the action of the Senate after the committees have reported. There is no use of encumbering the Calendar with cases when the Senate shows no disposition to pay the just debts of the Government when their own Supreme Court has decided in favor of them.

Mr. ALLISON. I make the point of order on the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. JONES of Arkansas. I should like to hear what the point of order is and on what ground the amendment is held by the Chair to be out of order.

Mr. ALLISON. On the ground that it is new legislation and general legislation.

Mr. TELLER. And not estimated for by the head of any Department.

Mr. ALLISON. I am perfectly willing that the amendment shall be thoroughly considered.

Mr. JONES of Arkansas. I shall not give myself any trouble about it. The Senator from Iowa is as much charged with responsibility in this matter as I am. I have tried for several years to have this subject considered. I feel that I have discharged my duty, and I am content.

The PRESIDENT pro tempore. Does the Senator desire to know upon what ground the point of order was sustained?

Mr. JONES of Arkansas. The Senator from Iowa [Mr. ALLISON] did not state on what ground the point of order was made. The amendment was reported from a standing committee of the Senate, and I supposed it was therefore entitled to some consideration.

The PRESIDENT pro tempore. The Chair was not informed of the fact that the amendment had been reported by a standing committee.

Mr. JONES of Arkansas. I stated that the amendment had been reported from a standing committee by a unanimous vote.

Mr. ALLISON. And referred to the Committee on Appropriations?

Mr. JONES of Arkansas. And referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Then the Chair does not sustain the point of order.

Mr. ALLISON. I was not aware that the amendment had been reported by any committee and referred to the Committee on Appropriations. It may be among our amendments here, but I have not noticed it.

Mr. CHANDLER. I desire to say a few words more concerning the pending amendment. The fundamental objection to it is that it transfers from every one of the Departments of the Government the duty of making proper objection before the committees of Congress to the passage of bills paying claims.

To-day it is the duty of the head of every Department, when a claim is pending before a committee of Congress and the committee sends the bill to his Department, to present to the committee all the facts, and, if desired by the committee, to send some one of its officers to make defense, in some sort, to the claim. It may be the duty of the head of the Department to go before the committee of Congress, and each Department is bound itself by its own officers to instruct the various committees of the two Houses as to facts.

What will be the result if this amendment shall be adopted? This little \$3,000 officer is appointed in the Department of Justice to make these defenses when the committees call upon him. The duty of making the defense will be transferred then from the

Department to this officer. He goes before a committee and says, "I have looked into this claim; it is all right, and I see no objection to it." Then the committee will report the bill to pay the claim. If there should ever be any criticism, the Department in which the claim originated will disclaim all responsibility and say, "Congress created an officer, a bureau in the Department of Justice, to present these facts, and this Department is not to blame because an unjust claim has been paid by Congress."

Take the case which has been suggested by a Senator. Here is a large claim of, say, \$500,000 which originates in the Interior Department. It concerns Interior Department matters pending before a committee of Congress. The committee of Congress wants the subject thoroughly investigated. It sends to the Secretary of the Interior, who sends up the facts in writing, or he sends somebody to present the facts in writing to the committee, but if this proposition be adopted a \$3,000 assistant attorney down in the Department of Justice would be sent for, and he would come here. We must go to the other Departments to get the facts. So you must have a bureau in the Department of Justice which will send to each one of all the various Departments to get the facts, and in this case he sends to the Interior Department. The Interior Department transmits the papers to him, and, after looking them over, he comes before the committee of Congress, representing not the Department of the Interior, but representing the Attorney-General; and the responsibility, I say, is taken from the Secretary of the Interior and transferred in advance to the Department of Justice.

Mr. President, it is a dangerous thing to do; it is an absolutely absurd thing to do. Appointing only a \$3,000 officer, with the idea that he is going to make proper defenses before the committees of Congress as to matters concerning all the Departments of the Government, will either prove an utter failure or you will have created—which you might as well do in the Department—a bureau in the Attorney-General's Office for the proper defense of claims before committees of Congress. If you are going to make such an office and to give this enormous power to the officer who is to appear before the committees of Congress, then let it be done in pursuance of a bill to provide an assistant attorney-general, an assistant to that assistant, a clerk, and all the paraphernalia of a bureau of the Government.

If this thing is to be done and responsibility for defending claims is to be taken away from the various heads of Departments, then do it adequately and in a manner that will afford some protection to the Government against the injuries to result if one officer, called an attorney in the Department of Justice, is to be given all the power which this amendment will give such officer. Why, Mr. President, he will be the most important officer in the whole Government, because if he is to come up here and appear before the committee and defend claims officially he will have a certain judicial character, as the Senator from South Carolina [Mr. TILLMAN] has suggested, and he will be allowed to say: "I have investigated this claim and I think it is just." So the committees of Congress will substitute his judgment for their judgment; and the first we know the Treasury will be depleted by the passage of vast numbers of claims, against which there will be a public outcry, and when we seek to fasten the responsibility for the payment of those claims upon the proper Department of the Government we will find the responsibility always shifted to this most important officer of the Government.

I say, Mr. President, the whole thing is an incongruity and an anomaly, which I hope the Senate will not vote upon the bill.

Mr. ALLISON. Mr. President—

Mr. JONES of Arkansas. I hope we shall have a vote upon the amendment.

Mr. ALLISON. I rose to move an adjournment.

Mr. CHANDLER. The amendment of the Senator from Arkansas [Mr. JONES] has not yet been voted upon.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Arkansas. [Putting the question.] By the sound, the "ayes" have it; and the amendment is agreed to.

Mr. CHANDLER. I ask for a division.

Mr. STEWART and others. Oh, no.

Mr. PLATT of Connecticut. If the Senator from New Hampshire demands a division, we may as well adjourn.

Mr. ALLISON. I move that the Senate adjourn.

Mr. CHANDLER. If the amendment can remain pending, I will withdraw my call for a division.

The PRESIDENT pro tempore. The Chair has declared the amendment carried.

Mr. CHANDLER. I asked for a division.

Mr. ALLISON. I ask that the amendment may be regarded as still pending.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the amendment may be regarded as still pending. Is there objection? The Chair hears none.

Mr. JONES of Arkansas. The Senate has voted on the question and disposed of it.

Mr. TILLMAN. Not on this question.

Mr. JONES of Arkansas. All right. If the Senator from South Carolina wants to keep it open, I have no objection.

The PRESIDENT pro tempore. The Chair understands that the amendment offered by the Senator from Arkansas is still pending.

Mr. ALLISON. That is my understanding. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 23, 1901, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1901.

ATTORNEY-GENERAL OF PORTO RICO.

James S. Harlan, of Illinois, to be attorney-general of Porto Rico.

COLLECTOR OF INTERNAL REVENUE.

James Denton, of Kentucky, to be collector of internal revenue for the Eighth district of Kentucky.

APPOINTMENTS IN THE ARMY.

Medical Department.

Edward P. Rockhill, of Pennsylvania, to be assistant surgeon with the rank of first lieutenant, January 9, 1901.

Cavalry arm.

Second Lieut. Samuel F. Dallam, Eighth Cavalry, to be first lieutenant, December 11, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Twenty-eighth Infantry.

First Sergt. Harry H. Goodyear, Twenty-eighth Infantry, United States Volunteers, to be second lieutenant, January 14, 1901.

Thirtieth Infantry.

First Sergt. Charles W. Stewart, Company H, Thirtieth Infantry, United States Volunteers, to be second lieutenant, January 4, 1901.

Forty-second Infantry.

Battalion Sergt. Maj. Horace F. Sykes, Forty-second Infantry, to be second lieutenant, January 9, 1901.

PROMOTIONS IN THE VOLUNTEER ARMY.

Forty-second Infantry.

First Lieut. Henry F. McFeely, Forty-second Infantry, to be captain, January 2, 1901.

Second Lieut. Edward F. Hackett, jr., Forty-second Infantry, to be first lieutenant, January 2, 1901.

Forty-ninth Infantry.

First Lieut. William H. Butler, Forty-ninth Infantry, to be captain, January 2, 1901.

Second Lieut. Wyatt Huffman, Forty-ninth Infantry, to be first lieutenant, January 2, 1901.

POSTMASTERS.

Ezra C. Ferris, to be postmaster at Croton on Hudson, Westchester County, N. Y.

Albert O. Blackwell, to be postmaster at Laporte, Harris County, Tex.

William F. Wieland, to be postmaster at Weatherford, Parker County, Tex.

Mary P. Dixon, to be postmaster at Westpoint, Troup County, Ga.

J. L. Hickson, to be postmaster at Gainesville, Cooke County, Tex.

Executive nomination confirmed by the Senate January 22, 1901.

POSTMASTER.

Edmund P. Denton, to be postmaster at Hamilton, Hancock County, Ill.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 22, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. McRAE. Mr. Speaker, the Journal is incorrect in one respect. The last bill referred to was not before the Committee on the Public Lands, but on the Speaker's table.

The SPEAKER. The gentleman is correct about it. The correction will be made, and, without objection, the Journal will be approved.

BREAKWATER AT BURLINGTON, VT.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to recall from the Committee on Rivers and Harbors Senate concurrent resolution 89, and ask for its immediate consideration by the

House. This resolution simply calls for information from the Treasury Department, and has been passed by the Senate.

The SPEAKER. The gentleman from Vermont moves to discharge the Committee on Rivers and Harbors from the further consideration of Senate concurrent resolution 89, and to have said resolution considered now in the House. The Clerk will report the resolution for the information of the House.

The Clerk read as follows:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to furnish Congress with a report showing the present condition of the breakwater at Burlington, Vt., with an estimate of cost for its proper repair and completion.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The question was taken; and the concurrent resolution was agreed to.

BRENNECKES SHOALS, OSAGE RIVER, MISSOURI.

Mr. SHACKLEFORD. Mr. Speaker, I ask permission to have Senate concurrent resolution 94 withdrawn from the committee, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate concurrent resolution 94 and consider the same now.

The Clerk read as follows:

Senate concurrent resolution 94.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to transmit to the Senate an additional estimate of the amount necessary to be appropriated for the completion of the work upon the lock and dam at Brennekes Shoals, on the Osage River, in the State of Missouri.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the concurrent resolution was agreed to.

EXTENSION OF MINING LAWS TO SALINE LANDS.

Mr. NEWLANDS. Mr. Speaker, I desire to call up Senate bill 3313, which was pending last night.

The SPEAKER. The gentleman from Nevada calls up the unfinished business of last evening, it being Senate bill 3313. The Clerk will again report the bill for the information of the House.

The Clerk read as follows:

A bill (S. 3313) extending the mining laws to saline lands.

The bill was read at length.

Mr. NEWLANDS. Mr. Speaker, the purpose of this bill is to permit the entry and patenting of lands bearing salt. You all know that under the mineral-land laws two kinds of locations can be made—one the location of lodes or veins of quartz or other rock in place bearing gold, silver, lead, tin, etc., and the other placer locations or surface locations. The policy of Congress has been gradually to extend the placer locations to different kinds of mineral lands. For a long time saline lands were permitted to be sold in certain States in the Union and not in other States. In other cases grants were made of saline lands to States. The State of Nevada, which I represent, has not come under the operation of either of these laws relating to the disposition of saline lands.

That State has never received, as other States have, a grant of saline lands; the law relating to the sale of saline lands at public auction has not applied to that State. It and some seven or eight other States were excepted from its operations. The inability to locate and enter saline lands has worked great inconvenience in that State. You know that salt is essential in mining, and it has been impossible to locate the salt in the deserts of that country with a view to mining. So I introduced some time ago a bill upon this subject, substantially the same as that which has passed the Senate, and which is now under consideration.

This bill, general in character, received the approval of the Committee on Public Lands, and was reported favorably to the House. The Committee on Public Lands has also acted favorably upon the Senate bill and has recommended its substitution for the pending bill in the House. It simply extends the operations of the placer-location laws to saline lands. Placer locations can now be made with reference to gold, silver, and other precious metals, and the law has been extended from time to time. It has been extended so as to embrace stone; it has been extended so as to embrace mineral oils, petroleum, etc. The location under the law consists of 20 acres, and an association of 8 can take up 8 claims, and thus the limit of location to entry to any given association is 160 acres. With this statement, I will reserve the balance of my time.

Mr. McRAE. Mr. Speaker, the only law in force for the disposal of the saline land was approved January 12, 1877, and is as follows:

CHAP. 18.—An act providing for the sale of saline lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of said register and said receiver, under the regulations of the General Land Office,

to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash at a price not less than \$1.25 per acre; and in case said lands fail to sell when so offered, then the same shall be subject to private sale, at such land office, for cash, at a price not less than \$1.25 per acre, in the same manner as other lands of the United States are sold: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant until either the grant has been fully satisfied or the right of selection thereunder has expired by efflux of time. But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quitclaim of all title of the United States in such lands.

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated and to be designated by the Secretary of the Interior.

As stated by the gentleman from Nevada, it is not operative in a great many States. The pending bill seeks to extend what is commonly known as placer-mining laws to this character of land. It has been contended by gentlemen from the West, from the mining States, that this law has been applicable heretofore. But the Land Department has repeatedly decided that it did not apply. In 14 Land Decisions, by a decision rendered by Secretary Noble, after reviewing all the authorities and the Supreme Court decision in 21 Wallace, it is declared that the settled policy of the Government in the disposition of salt lands and salines has been, and is now, to reserve the same from general disposal. Deposits of rock salt are saline and not subject to entry under the statutes authorizing the acquisition of title to mineral lands.

The Supreme Court, in 21 Wallace, page 667, says:

The policy of the Government since the acquisition of the Northwest Territory and the inauguration of our land system, to reserve salt springs from sale, has been uniform.

The act of 18th of May, 1793, the first to authorize the sale of the domain ceded by Virginia, is the basis of our present rectangular system of surveys. That act required every surveyor to note in his field book the true situation of all mines, salt licks, and salt springs.

Now, Mr. Speaker, I regard it pertinent, and I regret that the gentleman did not himself explain to the House in a general way what the placer-mining laws are. Outside of a few specialists in this House who are familiar with the practice under that law, I undertake to say that there is not 5 per cent of the membership of the House who could tell how to acquire land under the placer laws.

In the first place, that law is based upon the fundamental idea that for the discovery of the precious metals a right to mine the ores discovered is guaranteed to the discoverer.

Now, in the case of salt springs and salt mines there is no discovery to reward, because we have vast bodies of valuable salt lands already known. In fact, it was required of the surveyors of the United States to report them in the field notes, and on surveyed land they have been known for half a century, some shorter and some longer. So far as the known salt mines are concerned, no man who happens to be on them should have the right to locate them free of payment to the Government and operate them under the placer-mining laws of the United States, because he has not discovered them. Up to this time the Government has reserved the title to this class of land, to be disposed of by special legislation.

I will ask the Clerk to read sections 2329 to 2331, Revised Statutes, inclusive, so as to give the House an idea of what the placer-mining law is. That is a law which this bill extends over this character of land. I am opposed to this method of legislation which, by one paragraph of a half a dozen lines, extending a system of laws over a part of the public domain and surrenders the administration to the local mining associations, and this is often done without any knowledge on the part of those who make the laws as to what we are doing. Now, I will have the Clerk read the section.

The Clerk read as follows:

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins or quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SEC. 2330. Legal subdivisions of 40 acres may be subdivided into 10-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than 10 acres each, may make joint entry thereof; but no location of a placer claim, made after the 9th day of July, 1870, shall exceed 160 acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 2331. Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the 10th day of May, 1872, shall conform as near as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such location shall include

more than 20 acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than 40 acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or preemption purposes.

Mr. McRAE. I want to call the attention of the House to this pertinent fact: That under the placer-mining law there is no prohibition against the location and operation of a mine by a man who is not a citizen of the United States. The law only prohibits a noncitizen from acquiring title. Under this law there is no requirement that any man who works lands under the placer claim shall acquire title. As long as he performs \$100 worth of work a year on a particular tract which he locates he may never acquire title, and he may work it indefinitely without ever paying the Government anything; and this is true although he may get his information as to the mineral from the Government survey.

In the second place, under the placer law the administration of all matters is remitted to the local miners, and the Department has no control whatever over the entry and never knows anything about what is being done until the applicant seeks to acquire title. Until then the matter is left entirely in the control of the local miners.

Mr. KING. But those mining regulations must not be inconsistent with the laws of Congress. Is not that true?

Mr. McRAE. That is true, of course; but there is no law of Congress which contravenes anything I have said.

Mr. KING. Has it not been the experience of the Government that the submission of the mining district to local control has worked admirably?

Mr. McRAE. Yes; so far as the precious metals are concerned. It is based upon the principle of a reward for the discovery of minerals that we need to make money, and such as copper, lead, and other valuable metals. But by no general law, and not even by special statute, has any such substance as salt ever been permitted to be mined under the placer laws.

Now, Mr. Speaker, I presume, in fact I believe, there is necessity for some sort of legislation on this question. But I believe that Congress when it does open these reserved lands to location ought to prohibit and prevent the monopoly of salt lands of the public domain in any particular section of this country. I think we ought to prevent it, and I will offer an amendment to that effect before I take my seat. Under the placer law which I have had read anyone, though not a citizen of the United States, may, as I have said, make a location of 20 acres and then sell it to a person or concern who has large bodies of such land. A corporation may take 160 acres and those employed by it may take 20 acres each; and there is no prohibition against them selling to their employer if it does the work. There is no time, under the placer law, when the Government can stop such sales. They can go on indefinitely; and as long as they do \$100 worth of work annually they may hold millions of dollars' worth of public lands and may bring about a complete monopoly in the salt business.

Now, I will show you from the report of the Government special agent what has already been done on a Government section of the public land in the State of California. I ask the Clerk now to read the report of Special Agent Ryan to the Commissioner of the General Land Office; and I ask the careful attention of the House to this matter, because members will see from the facts reported here by a sworn officer of the Government the necessity for guarding this valuable property of the Government. This report and the affidavits and letters were sent to me in answer to a letter to the Secretary of the Interior.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Los Angeles, Cal., November 17, 1900.

SIR: Pursuant to instructions of your letter ("P." W. H. D.) of April 26, 1900, and telegram of October 26, 1900, relative to alleged trespass by the New Liverpool Salt Company, I have the honor to report as follows:

I visited the land in question and found that sections 15, 22, and 23, T. 8 S., R. 10 E., S. B. M., are largely covered with a crust of salt varying in thickness from one-half foot to 6 feet; that a spur track, believed to have been built by the New Liverpool Salt Company and which is claimed by them, does run in a southwesterly direction across a part of section 11, through the NW. 1/4 of section 14, the SE. 1/4 of section 15 to the terminus on the SW. 1/4 of section 22, T. 8 S., R. 10 E., S. B. M.; that said spur track runs about 4,300 feet south of the north line of section 22, on or in the salt deposit or salt crust located on section 22.

I find that the New Liverpool Salt Company have sunk an artesian well near the center of section 22, on the west side of said spur track; that said Salt Company have built salt vats on the west side of said spur track and located on section 22, said vats being about 300 feet in width and about 900 feet in length. I saw the Indians in the employ of the New Liverpool Salt Company gathering, washing, and piling salt near the spur track on section 22. I saw them loading salt onto a flat car owned and operated by the New Liverpool Salt Company. I saw conveyed on flat car by steam dummy operated by said company to its mill, located on sections 14 and 11, and unloaded from the car into the salt mill. I found by questioning men who are and have been in the employ of the New Liverpool Salt Company that said company have been and are now taking and shipping from section 22 large quantities of salt for commercial purposes.

I desire to call your attention to the following exhibits which I took from the land and marked as follows: Tin box marked Exhibit No. 1 contains salt from section 22. Tin box marked Exhibit No. 2 contains salt from section 15 (patented). Tin box marked Exhibit No. 3 contains salt from NE. 1/4 of NW.

1/4 of section 14, selected May 11, 1900, by George W. Durbrow under act June 4, 1897 (30 Stat., 36). Tin box marked Exhibit No. 4 contains sample of the soil taken from another part of said NE 1/4 of NW 1/4 of section 14, showing its saline character.

I have also secured four photographs taken in May of this year, showing improvements on section 22. Photograph marked Exhibit A shows a view taken from west of spur track looking northeast, showing the spur track, the steam dummy, and the plow operated by the steam dummy for breaking salt; also the artesian well rig standing above the artesian well mentioned, located near the center of section 22. Photograph marked Exhibit B shows the flat car used in transporting salt from the salt deposits on section 22 to the mill located on sections 11 and 14, also the dummy and plow in operation. This view is taken from a point on the SW 1/4 of section 22, and looking in an easterly direction.

Photograph marked Exhibit C is a view taken from near the same point, showing the plow in operation.

Photograph marked Exhibit D is a view taken from spur track looking in a westerly direction across the SW 1/4 of sec. 22, showing the salt gathered in piles and the salt plow in operation.

I also send herewith a plat (marked Exhibit E), showing in part the sections referred to, that spur track, the relative positions of well, vats, mill, sidings, etc.; also a copy of Bradstreet's report (marked Exhibit F) on the New Liverpool Salt Company. I have on several different occasions endeavored to obtain a sworn statement from Mr. George W. Durbrow, vice-president and general manager of the New Liverpool Salt Company, but he has at all times refused to make a sworn statement; he has, however, admitted to me that his company have taken salt from section 22.

I submit to you affidavits of E. M. Durant, of Los Angeles, Cal., and Jason L. Rector, of Indio, Cal.

Plat showing survey of this township was filed in the local land office March 30, 1896.

I find that the New Liverpool Salt Company have and are operating a railroad track commencing in the NW 1/4 of SE 1/4 sec. 11, extending in a southerly direction through the NW 1/4 of sec. 14 and the SE 1/4 of sec. 15 to its terminus on the SW 1/4 of sec. 22. Tp. 8 S., R. 10 E., S. B. M.; that the records do not show that they have ever applied for a right of way across the Government land in sections 14 and 22, through which they have laid said track; that sections 15 and 23, which were patented to the Southern Pacific Railroad Company on February 4, 1897, were at that time known to be saline lands; that according to land decisions title to these lands could only be lawfully acquired by special act of Congress. (See 14 L. D., 507.) That the NE 1/4 of NW 1/4 sec. 14, on which the mill of the New Liverpool Salt Company is located, was filed on May 11, 1900, by George W. Durbrow under act June 4, 1897 (30 Stat., 36), and that the same is saline land; that section 22 is Government land, very valuable for its salt deposits, and that the New Liverpool Salt Company are now, and have been for years past, taking large quantities of salt from section 22 without authority of law, and I would respectfully recommend that said company be stopped from further taking salt from said section 22.

Very respectfully,

E. C. RYAN,

Special Agent, General Land Office.

The Commissioner of the General Land Office,
Washington, D. C.

STATE OF CALIFORNIA, County of Los Angeles, ss:

E. M. Durant, being first duly sworn, deposes and says: That he is a resident of Los Angeles, in the county of Los Angeles, State of California, and 33 years of age; that he is familiar with secs. 11, 14, 15, 22, and 23, T. 8 S., R. 10 E., S. B. M.; that secs. 15, 23, and 22 are largely covered with a salt deposit or salt crust, varying in thickness from one-half inch to 6 inches; that the thickest and purest deposits are located on sec. 22; that he has recently visited the same on two occasions; that the railroad spur track connecting with the Southern Pacific Railroad on said sec. 11, said township and range, runs in a southerly direction, namely:

South 50° west to the salt mill located on the northeast quarter of the northwest quarter of section 14, and on the southeast quarter of the southwest quarter of section 11, said township and range; and that a continuation of said spur track, which he believes was built by and is the property of the New Liverpool Salt Company, does run about 4,300 feet south of the north line of section 22, and that said track is built in and upon the salt deposit located on said section 22; that there is an artesian well reported to be 900 feet deep, which was drilled by said New Liverpool Salt Company, and standing near and over said artesian well is a steam well-drilling rig, with iron water tank, drilling tools, and pipe, located on the west side of the spur track referred to, and on said section 22 about 2,700 feet south of the north line of said section 22, and in the salt deposit above referred to; that there are located on the west side of said spur track on said section 22, in the salt deposit located on said section and about 1,500 feet south of the north line of said section 22, salt vats about 300 feet wide and 900 feet in length, said vats being built by placing 1 by 12 inch boards on edge and securing same with upright posts driven through the salt deposit into the marsh below; that he has on different occasions seen from seven to ten Indians in the employ of the New Liverpool Salt Company gathering from section 22, washing, and piling salt beside said spur track; that he has seen said Indians loading said piles of salt on to a flat car owned and operated by the said New Liverpool Salt Company, operating said flat car between the salt deposit on said section 22 and the mill located on section 14; that he has seen salt being unloaded from said flat car into the mill above referred to.

He further states that he has seen a car loaded with packed salt at said mill, namely, car C. P. 19186, drawn from said mill and attached to a Southern Pacific freight train, and within five days of that time has seen said car C. P. 19186 on the team track in Los Angeles, being unloaded by a man in the employ of Haas Baruch & Co., wholesale grocers, the salt bales, bags, and boxes bearing the name of the New Liverpool Salt Company; that there is no evidence that anyone has at any time gathered for shipment or commercial purposes any salt from any lands other than those embraced in sec. 22, where the best deposits lie; that there are large piles of salt in the storage sheds and beside the spur track located on secs. 14 and 11, estimated at over 2,000 tons, that have been gathered on said sec. 22; that he has been informed by a party, namely, Joseph Laro, who claims to have lived within 15 miles of said sec. 22 for the past fifteen years, and whose post-office address is Walters, Riverside County, Cal., that the New Liverpool Salt Company have gathered salt on said sec. 22 for fifteen years, and that a part of that time he has been in the employ of said New Liverpool Salt Company, gathering salt for shipment.

E. M. DURANT.

Subscribed and sworn to before me this 14th day of November, 1900.

E. C. RYAN,

Special Agent, General Land Office.

A true copy of the original.

E. C. RYAN,

Special Agent, General Land Office

STATE OF CALIFORNIA, County of Riverside, ss:

Jason L. Rector, a citizen of the United States, of lawful age, being first duly sworn, deposes and says: That he is familiar with secs. 14, 15, 22, and 23, T. 8 S., R. 10 E., S. B. M.; that the railroad spur track running in a southerly direction from the main line of the Southern Pacific Railroad, and believed to be owned by the New Liverpool Salt Company, crosses the north line of said sec. 22, running S. 50° W. and runs across the salt marsh located on said sec. 22, about 4,300 feet; that he has seen working in the marsh, gathering salt on the SW 1/4 of said sec. 22, and near the end of said spur track, 10 Indians; that he has seen on said spur track, and near its end, a flat car about 60 feet in length loaded as high as possible with wet and dripping salt, having just been loaded from said marsh; that 8 large piles of salt freshly gathered were piled near said spur track; that he has seen the motor operated by said New Liverpool Salt Company moving said cars on said spur track; that there is an artesian well with steam well-drilling rig standing near it; also iron water tank and well tools located on the west side of said spur track on said sec. 22, about 2,730 feet south of the north line of said sec. 22; that there are salt vats about 300 feet wide and about 900 feet long lying on the west side and parallel to said spur track on said sec. 22, about 1,530 feet south of the north line of said sec. 22; that he has seen salt being unloaded from salt car into the mill, located on secs. 11 and 14, same township and range above referred to; that there is no evidence of salt ever having been gathered for commercial purposes or for shipment from lands other than those embraced in said sec. 22.

JASON L. RECTOR.

Subscribed and sworn to before me this 8th day of November, 1900.

E. C. RYAN,

Special Agent, General Land Office.

A true copy of the original.

E. C. RYAN,

Special Agent, General Land Office.

EXHIBIT F.

[New Liverpool Salt Company, Clinton E. Worden, president; George W. Durbrow, vice-president and manager; Charles E. Green, secretary and treasurer. Directors—the same, and Harry Durbrow and one vacant. San Francisco, Cal., Mills Building. Works at Salton, Cal.]

Incorporated under the laws of this State in November, 1893, with an authorized and fully subscribed capital of \$120,000, divided into 1,200 shares of \$100 each. At this date C. E. Worden makes our representative the following verbal statement:

"We have a paid-up capital of \$120,000, discount all our bills, and are not seeking credit. My wife owns one-half of the capital stock, and I hold a power of attorney representing her interest. Charles E. Green owns a quarter interest in the company."

The works of the above are at Salton, in the Colorado Desert, where are located large and valuable deposits owned and controlled by the company. They are understood to have absorbed the New Liverpool Manufacturing Company, which was incorporated January 10, 1898, with an authorized and subscribed and claimed paid-in capital of \$25,000, the original incorporators being C. B. Shaw, G. W. Durbrow, D. H. Foster, E. Wheaton, and M. Hubbard. The late A. N. Towne, of the Southern Pacific, was one of the original and principal stockholders in the salt company. He died leaving an estate appraised at \$81,535, and his daughter, who is Mrs. C. E. Worden, secured one-half the stock in the company. Charles E. Green, who owns one-fourth of the stock, is one of the administrators of the Col. Fred Crocker estate, and is a man of high standing and some means.

Clinton E. Worden is also president and one of the principal stockholders of Clinton E. Worden & Co., manufacturing chemists, a concern with an investment of \$100,000. He is highly regarded, authorities say, in both a business and personal way. Durbrow, who is the manager of the business, is well regarded, personally, and is believed possessed of ability and experience in this line. It is reported that in April, 1897, they received deed from the Northern Railroad Company of all of section 11, township 8 south, range 10 east, excepting right-of-way and station reservations, \$1,600. The company is considered by authorities to be in good credit for its needs.

AUGUST 16, 1898.

Green stated verbally to our reporter January 9, 1900, as follows:

"We have no obligations and ask for no credit. The company is on a dividend-paying basis. The stock is owned and controlled by Worden, Durbrow, and myself."

Authorities are of the opinion that the company is well managed and entitled to such credit as their needs may require.

JANUARY 9, 1900.

STATE OF CALIFORNIA, County of Los Angeles, ss:

C. A. Mead, being first duly sworn, deposes and says: That he is a citizen of the United States, a resident of Los Angeles, Cal.; that he has been in business in California for fifteen years; that he has handled salt in this market; that he is familiar with the salt trade; that he believes that any party or parties acquiring title to sec. 22, T. 8 S., R. 10 E., S. B. M., will have an absolute monopoly in the salt business in this section, and be in a position to ruin all competition in this line of business; that said section of land, which is covered with salt, is very valuable; that he believes that \$125 per acre is a very conservative estimate of the value of said section of land.

C. A. MEAD.

Subscribed and sworn to before me this 10th day of January, 1901.

[SEAL.]

F. M. PORTER,

Notary Public in and for the County of Los Angeles, State of California.

Mr. McRAE. I now want to submit several letters written to the Commissioner of the General Land Office by people living in California, touching upon the methods of the company referred to by this special agent.

The Clerk read as follows:

SAN FRANCISCO, November 20, 1900.

SIR: The taking of salt for commercial purposes from the salt deposits in township 8 south, range 10 east, S. B. M., by the New Liverpool Salt Company has injured our business here at Sacramento, at San Diego, at Santa Barbara, and elsewhere.

If any disposition is made of the salt deposits referred to by the United States Government, I most respectfully request that they be sold at public auction, and that the property be not donated to the New Liverpool Salt Company. The properties referred to having been appropriated in the past by the railroad people, I am convinced that the rates have been given which has enabled them to sell salt in bags in Sacramento for less than the regular freight rates from Salton, near which the deposits lie, to Sacramento.

If the New Liverpool Salt Company should be stopped from taking salt from these deposits, which action I most earnestly request, it would result, I believe, in pure salt being sold in Los Angeles and vicinity at prices lower

than those maintained by the New Liverpool Salt Company, it having been the policy of said company to compel the trade to purchase of them at a higher price than they could obtain elsewhere by threats to go under, and a refusal to sell to those who should bring in salt from other sections (which threat has been carried out on different occasions). To stop the New Liverpool Salt Company from taking salt from the Government lands would, I believe, be for the best interest of every person, excepting those directly interested in the New Liverpool Salt Company.

I beg that you withdraw your recommendation to Congress for relief to these persons (I refer to your report for the fiscal year ending June 30, 1900). I believe that allowing these people to take salt free of cost from the Government lands has and is resulting in great injury to the salt industry in Los Angeles and here, and that legitimate enterprises have been destroyed by these people.

Yours, truly,

HON. BINGER HERMANN,
Commissioner of the General Land Office,
Washington, D. C.

J. A. PLUMMER.

LOS ANGELES, CAL., November 30, 1900.

SIR: I beg to call your attention to the fact that the New Liverpool Salt Company, who are taking salt for commercial purposes from the salt deposits in township 8 south, range 10 east, S. B. M., are demoralizing and destroying legitimate enterprises in this line of business from San Francisco to San Diego. They are enabled, with Government aid in allowing them to take this salt free and favors in the way of special rates by the railroad company, to place their product in Stockton at less than the regular rates of freight between the two points.

If any disposition is made of the salt deposits referred to by the United States Government, I respectfully request that they be sold at public auction, and that the property be not donated to the New Liverpool Salt Company.

I beg that you withdraw your recommendation to Congress for relief to these persons. (I refer to your report for the fiscal year ending June 30, 1900.)

To stop the New Liverpool Salt Company from taking salt from the Government lands would, I believe, be to the best interest of every person except those directly interested in the company.

It is not, as I understand it, the purpose or desire of the Government to foster an enterprise of this nature or assist any individual or corporation in forming a trust or combination monopolizing business to the detriment of her citizens engaged in any enterprise whatsoever. This is a question to which I earnestly request your prompt attention and action, as my business and that of others in the same line has been and is being injured by these conditions.

Respectfully,

HON. BINGER HERMANN,
Commissioner of the General Land Office, Washington, D. C.

ARTHUR H. GREEN.

LOS ANGELES, CAL., November 23, 1900.

SIR: Relative to the taking of Government salt by the New Liverpool Salt Company, I furnished your special agent, Mr. Ryan, with data. The gentleman informs me that he has made report in the matter referred to and is now out of his hands. I have just returned from San Francisco, where I find the salt manufacturers are suffering, as well as ourselves, because the New Liverpool Salt Company is taking Government salt free of cost and selling same below cost of production to honest manufacturers. They (the New Liverpool Salt Company) are crushing the salt industry of this coast, which has over \$1,000,000 capital invested.

The salt men generally seem fearful to join in petition to you to have the present trespass stopped, the general feeling being that they (the New Liverpool Salt Company) have too strong a pull with the Government to be stopped, and that the manager of said company will find a way in which to make them suffer for any action they might take. The late A. N. Towne, general manager of the Southern Pacific Railway, was, and his heirs are, principal owners in the New Liverpool Salt Company. Rates were made enabling them to place Government salt below prices which would enable salt manufacturers to live.

The general manager of the New Liverpool Salt Company, in my office, stated to me that they would compel me to close my doors; that Uncle Sam was giving him all the salt he wanted for nothing, while he was charging me \$2.40 for every ton I brought in here; that "Uncle Collis" (meaning the late C. P. Huntington, president of the Southern Pacific Company) would haul the salt for nothing, if necessary, to ruin my business. The New Liverpool Salt Company are getting all of their salt from section 22, 8 south, 10 east, S. B. M.—a Government section. They are trespassers, and have instructed their men not to allow any persons to walk upon said section 22. They have deeds to sections 15 and 23, same township and range above referred to, which have been patented to the Southern Pacific Railroad Company.

These lands are covered with a salt crust from one-half inch to 6 inches in thickness. The patents were erroneously issued and should be set aside, and I believe if the matter were placed in the hands of the United States district attorney, with instructions to push, that the patents would be canceled, for I believe they were issued contrary to law. The 40 acres on which the plant of the New Liverpool Salt Company is located is saline land, and the manager of the company has applied for same under forest reserve lien act of June 4, 1897, and expects a patent.

I most earnestly request that you give this matter your personal attention. The property operated by the New Liverpool Salt Company belongs to the United States Government, and until it acquires title by purchase I beg that you stop them from using Government property to injure and kill a large and growing industry on this coast.

Yours, truly,

HON. BINGER HERMANN,
Commissioner of the General Land Office, Washington, D. C.

E. M. DURANT.

STATE OF CALIFORNIA, County of Los Angeles, ss:

E. M. Durant, being first duly sworn, deposes and says that all the statements in the above letter he believes to be true and in accordance with the facts in the case.

E. M. DURANT.

Subscribed and sworn to before me this 23d day of November, 1900.

[SEAL.]

F. M. PORTER,
Notary Public in and for the County of Los Angeles, State of California.

LOS ANGELES, CAL., November 26, 1900.

SIR: I do not know what report or recommendation, if any, your special agent, Mr. Ryan, may have made relative to New Liverpool Salt Company trespass. I know that Mr. Ryan made a study of the matter and that he was

fully informed and knows that the New Liverpool Salt Company is and has for years taken great quantities of the very best of the entire salt deposits from section 22, 8 south, 10 east, S. B. M. I presume you are fully informed at this time in the premises.

Because the manager of the New Liverpool Salt Company has to me, to my friends, and to the jobbers boasted that he would ruin my business with salt which I knew he was taking from Government land contrary to law, I feel that it is my privilege and duty to see that he is stopped.

You can see that this company, owned and controlled by the manager of the Southern Pacific Company, taking salt without cost from Government lands, and with power to make ruinous rates, has had a monopoly, and you will not wonder that the five plants in San Francisco, who have been fighting for five years, find they have lost money.

The Crystal Rock works here, the owners of which claim they had invested over \$40,000, went out of business, and their entire plant going to ruin, located on leased land, was recently sold for \$3,500. The Redondo works, after a hard fight, have turned out their machinery and disposed of what they could for other purposes.

You say in your report: "But there is no law under which title to lands containing these salt deposits can be obtained, and the persons operating these mines must be stopped." Surely you will not, with the information you now have, permit Congress to pass an act to relieve the situation which will enable the New Liverpool Salt Company to acquire title to these valuable deposits free of cost. You say in your favor of the 30th ultimo, page 2: "You are advised that the legislation proposed is of a general character, intended for the public good, and not for the benefit of any particular person or persons." This sounds well, but in practice the proposed measure would surely mean title free to the New Liverpool Salt Company. They are on the ground, their plant is on the ground, their spur track is on the ground; they do not allow people to trespass or cross Government land on which the deposits lie; they own the section encircling the station; they are in position to make it impossible for others to acquire title to the salt deposits referred to under such an act as you propose without the expenditure of large sums of money and a fight, which would undoubtedly end in the New Liverpool Salt Company acquiring title.

I believe, Mr. Hermann, with the knowledge you have now, and with the proof of statements made at your hand, you will protect the legitimate salt industry of this section by stopping these trespassers, as you say they "must be stopped;" that you will not let these valuable deposits become private property unless sold by the Government for a valuable consideration. If they are stopped, no injury will come to the general public; purer salt will be sold to the trade at a uniformly lower price, resulting in the most good to the most people. Prices at present are always raised upon the getting rid of a competitor. You will agree that the public good would be best served by these valuable deposits now owned by the Government being held by the Government until such time as they are needed; or, if they must be disposed of, which is not necessary at the present time, their becoming the property of parties other than those able to obtain ruinous railroad rates. This you may not be able to accomplish. In case of their disposition, it seems as if you could not do less than recommend to Congress that they direct that the lands be sold at public auction.

There are sufficient facilities in this country for the manufacture of pure salt at reasonable prices. The money is already invested. The investments have suffered enough at the hands of the New Liverpool Salt Company's competition with Government salt.

It does not seem as if it was necessary to find relief for these persons who have made themselves rich by selling Government property. Are you not willing to give us some assurance that the measure recommended will be withdrawn?

Yours, truly,

HON. BINGER HERMANN,
Commissioner of the General Land Office, Washington, D. C.

E. M. DURANT.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 20, 1900.

SIR: I have the honor to transmit herewith copy of correspondence, and report by Special Agent E. C. Ryan relative to a trespass by the New Liverpool Salt Company on saline lands in sec. 22, T. 8 S., R. 10 E., San Bernardino meridian, California.

From said report it appears that said company have taken and are taking large quantities of salt from said section, which appears from the records of this office to be vacant public land.

Upon receipt of said report, Agent Ryan was directed, by telegram of the 28th ultimo (copy herewith) to consult the United States attorney concerning said trespass and report, with affidavit testimony, the character of all saline lands in the vicinity.

On the 4th instant Agent Ryan transmitted a letter (copy herewith) from United States Attorney Frank P. Flint, wherein he states:

"That the only action that can be taken in this matter is for the Government to commence a suit in ejectment and to recover the value of the salt removed. I have some hesitancy about taking such action at this time without instructions from the honorable Attorney-General, for the reason that I am informed that these parties have been in possession of this land for about sixteen years, and in report of the Commissioner of the General Land Office to the Secretary of the Interior, of date August 20, 1900, it is recommended that Congress pass an act authorizing the acquisition of title to lands of this character under the placer-mining laws. I would therefore suggest that you submit this matter to the honorable Commissioner of the General Land Office, with request that if in his opinion proceedings should be commenced to eject these parties from this land, the same be communicated to the honorable Attorney-General who will then instruct me to commence such proceedings."

In view of the statement of the United States attorney above quoted, I have the honor to recommend that the honorable Attorney-General be requested to direct the institution of proceedings as suggested by the United States attorney.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 15, 1901.

SIR: I have the honor to acknowledge the receipt by departmental reference for early report in duplicate of a letter dated the 10th instant from Hon. THOMAS C. McRAE, House of Representatives, relative to Senate bill 3313 and House bill No. 9141, of the present Congress, concerning the disposal of salinelands.

Mr. McRAE desires information as to what lands in the Salton Basin, in southern California, have been patented to the Southern Pacific Railroad Company, and what action, if any, has been taken with a view to vacating such patents. He further desires any other information which the Department may have by special agent's report or otherwise concerning lands in

the Salton Basin, as to what extent they have been entered upon, occupied, and claimed by third persons, and what has been recommended in reference thereto.

In reply, I have the honor to report that the following lands, located in what is understood to be known as the "Salton Basin," have been patented to the Southern Pacific Railroad Company, viz: The NE. $\frac{1}{4}$ sec. 11, T. 8 S., R. 10 E., San Bernardino meridian, California, 160 acres, patented October 7, 1891; the NW. $\frac{1}{4}$ and S. $\frac{1}{4}$ sec. 11, all of sec. 15, and all of sec. 23, same township and range, 1,760 acres, patented February 4, 1897.

No proceedings have been instituted for the purpose of vacating the patents issued for said tracts, but by office telegram of November 28, 1900, copy herewith, Special Agent E. C. Ryan was directed to make report with affidavit testimony relative to all saline lands in the vicinity. Upon receipt of his report appropriate action will be taken.

One report has been received relative to trespass upon saline lands in said Salton Basin.

This is a report from Special Agent E. C. Ryan, dated November 17, 1900, copy herewith, charging that the New Liverpool Salt Company have occupied and taken large quantities of salt from sec. 22, T. 8 S., R. 10 E., San Bernardino meridian, which tract appears to be public land.

By office letter of December 20, 1900, copy herewith, suit in ejectment, and to recover the value of the salt removed, was recommended.

This letter was returned, on the informal request of this office, by departmental letter of January 7, 1901, and by office letter of January 9, 1901, copy herewith, it was recommended that proceedings be withheld for a period of thirty days, within which time it was thought a satisfactory adjustment of the matter might be made without resort to the courts, and by your letter of the 12th instant you advised this office that the matter would be held in abeyance for a period of thirty days.

As bearing on this matter, I also transmit copy of several letters from citizens in southern California who are interested in the salt business.

The annual report of this office for the fiscal year ending June 30, 1900, contained, page 881, the following recommendation relative to the disposition of saline lands, viz:

"During the last session of Congress I had occasion to call attention to the fact that in some of the States vast deposits of crystallized salt were being developed at great expense in the building of railroads and planting of costly machinery, and that the parties operating these mines or deposits were not charged with bad faith, but there is no law under which titles to lands containing these salt deposits can be obtained, and the persons operating these mines must be stopped, notwithstanding the large expenditures made by them, unless relief by the way of Congressional legislation could be secured. To relieve the situation I recommend the following as a substitute to House bill No. 9141:

"That on and after the approval of this act any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to the land containing deposits or beds of crystallized salt, and chiefly valuable therefor, under the provisions of the law relating to placer-mining claims."

"In my opinion there is urgent need of legislation which will permit of the lawful development of these deposits or beds of crystallized salt."

Mr. McRAE's letter is herewith returned.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

[Telegram.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 28, 1900.

E. C. RYAN,
Special Agent, Los Angeles, Cal.:

Consult United States attorney concerning New Liverpool Salt Company. Report, with affidavit testimony, character all saline lands in vicinity.

BINGER HERMANN,
Commissioner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 9, 1901.

SIR: By letter of the 20th ultimo this office transmitted copy of papers and correspondence in the matter of an alleged trespass by the New Liverpool Salt Company on section 22, Tp. 8 S., R. 10 E., San Bernardino meridian, California. Referring to the letter from the United States attorney, stating that he had some hesitancy about taking action against said company without instructions from the Attorney-General, this office recommended that the honorable Attorney-General be requested to direct the institution of suit against said company.

By your letter of the 7th instant, in accordance with my informal request, you returned said letter of the 20th ultimo in order that another and different letter might be substituted in lieu thereof.

I have the honor, therefore, to recommend that the honorable Attorney-General be requested to direct that all proceedings be withheld for a period of thirty days, within which time it is thought that a satisfactory adjustment of the matter can be made without resort to the courts.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. McRAE. Mr. Speaker, I have had this report and these letters read, not because a condition existing in a particular locality ought to control always in general legislation, but in order to show the condition that has been brought about in what is known as Death Valley, in California—one of the richest salt basins, as I understand, in the United States. A part of two sections reserved to the United States when the grant to the Southern Pacific Railroad Company was made has by some method been patented by the railroad company and by it sold to this New Liverpool Salt Company. They are now in possession of it, and have gone upon section 22, that has not been patented, and have sunk a salt well, according to this report, in the middle of it, and have run their railroad tracks over it. Now they come to Congress and, by this apparently innocent measure, seek to acquire title to at least 160 acres of this section 22. This land, which is shown by the report of your own Government agent to be rich and valuable—worth many thousands of dollars—is actually in possession of this company.

It may be answered that under this little bill they can not ac-

quire title to more than 20 acres. This bill, Mr. Speaker, is not in print, only one print of it, the engrossed print, and I presume a great many members of the committee do not fully understand the effect of what is in the bill.

Now let me call attention to the terms of the bill:

That all unoccupied public lands containing salt springs.

This section 22 is occupied by this salt company, which has monopolized the salt trade and driven out of business almost every salt manufacturer within its reach. So long as that land is occupied in this way nobody else can enter it. Notwithstanding the provision that no man can enter more than one claim under the placer law, they make it impossible for any man to enter any of the lands occupied by this company, which must therefore become a beneficiary by reason of the fact that the land which they occupy can not be entered by anybody else. There could not be devised a more cunning scheme to acquire legal control of the very piece of property that this concern wants.

Mr. KING. Would not the persons of whom the gentleman now complains be trespassers on that ground?

Mr. McRAE. No; it is a trespasser now; but by this bill you make it impossible for anybody else to contest with it the location of the land, because it occupies it.

Mr. KING. Have not the courts, in construing the mining laws, repeatedly held that a man is not an occupant unless he is on the land by color of title, which can only be obtained by compliance with the laws of the Government?

Mr. McRAE. Mr. Speaker, I am not familiar with such decisions as the gentleman refers to; but I apprehend that these words were put in here for a purpose. I will state that they were not in the bill originally recommended by the Commissioner or in the bill reported by the Committee on the Public Lands.

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. McRAE. Certainly.

Mr. NEWLANDS. I can explain to the gentleman the insertion of the word "unoccupied" there. It is true that the bill reported from the Committee on the Public Lands did not contain this word "unoccupied." It is true, also, that the bill reported from the Committee on Public Lands of the Senate did not contain it. That was put in, I will state, at the suggestion of the Senator from Alabama, Mr. PETTUS, for some local purpose, I do not understand what, to protect certain rights, I do not know where. But I have no objection myself to the word being stricken out.

Mr. McRAE. I do not know who put the word in, but I know that the word here is objectionable in this connection—

Mr. NEWLANDS (interrupting). If the gentleman will permit me, I wish to state further that the bill I introduced did not contain the word "unoccupied." I regard it as entirely innocuous, however, and if it be the will of the committee I have no possible objection to having it stricken out altogether.

Mr. McRAE. Mr. Speaker, we have a bill here extending the whole placer-mining laws to a class of land that has been heretofore reserved for other purposes. Upon its face the bill seems to be harmless. But I have endeavored to call your attention to what I believe to be grave defects in it, and to show that it should not pass this House. I have shown by the testimony of persons who are familiar with the salt business and who are interested in what this salt company has done.

I have filed protests to show that there is at least a controversy there, and that these men—reputable men, I take it—have been practically driven out of the salt industry on account of the methods of this concern. However, I know nothing personally of the facts. I simply give the facts as they come to me. But it is a fact beyond controversy that these people do continue to occupy section 22 of the public lands, and one of the reports shows that its salt well is in the center of that section.

Mr. Speaker, I care not whether these particular men get a proper title to these lands or not, but I do object to their acquiring more than they ought to have. I object to their getting beyond what would seem to be a reasonable share of these lands. And I shall propose an amendment to this bill providing that they shall not acquire title to more than 40 acres from the United States.

I would not make it possible for these men, who are now occupying this land with their Indian employees, to practically monopolize the entire Territory and take control not only of the salt lands themselves, but the administration of the law in connection with them as well. For the Department loses absolute control of them when it extends the placer mining laws to them until the man applies for a patent, and under this bill he may never do that.

Now, Mr. Speaker, in view of the value of these deposits to the people of the country, I ask you to prevent the possibility of such a monopoly as may follow this law. I would make it impossible for any person or corporation to acquire more than a reasonable portion of such lands.

Mr. Speaker, I have a statement from the Los Angeles Herald, of January 8, which I ask to have read at the desk, showing that the lands in California to which reference is made in the pending bill are much more valuable than seems to be indicated even by the report, because it appears that borax and soda have been discovered on the lands in that vicinity.

I ask the Clerk to read the article I send to the desk.

The Clerk read as follows:

HAVE FOUND A NITRATE DEPOSIT—THIRTY THOUSAND ACRES ARE FILED ON—REPORTED THAT THE FIND WILL EQUAL FAMOUS NITRATE BEDS OF PERU IN VALUE—PROMISE OF VIGOROUS POLICY OF DEVELOPMENT.

In yesterday morning's Herald there was an account of the filing on about 30,000 acres of land in and near Death Valley, San Bernardino County, for borate and nitrate deposits. If the expectation of the interested people is to be fulfilled, these claims will represent the introduction to California of a new industry of vast importance. It is well known that San Bernardino County now furnishes most of the borax used in the United States, and the discovery of new deposits contains no sensational features.

But the discovery of a vast deposit of nitrate of soda, which is claimed, may mark a new industry in the United States, for heretofore none has been produced in this country, and very little in any country save Peru. It has been known for years that sulphate of soda is plentiful in the Death Valley region, but nitrate of soda has never been mined there, if its existence has ever been known.

The discovery of this deposit of nitrate of soda and borate is due to a scientific expedition which has just returned from the desert, which was undertaken by G. E. Bailey, E. M. Ph. D., and his brother, Dr. Will C. Bailey. The former has been connected with the United States Geological Survey, and has been sent to foreign countries to carry on geological studies. In that manner he visited Peru a number of years ago and became familiar with the nitrate deposits which have for several years been a bone of contention between Peru and Chile. Dr. Bailey is well known in southern California, where he lived a number of years, although at present he is a lecturer in a medical college in San Francisco.

Mr. McRAE. Now, Mr. Speaker, if there is anything in this, then there ought to be some way to dispose of the lands and yet to prevent the monopoly of them. The amendment which I shall offer to this bill will provide for the disposition of salt lands, and expressly names borax and soda. Chloride of sodium is a salt; carbonate of sodium is sal soda; nitrate of sodium is used in the making of gunpowder and dynamite and nitroglycerin and giant and smokeless powder; and all such lands have heretofore been reserved, and are embraced in the general description of saline lands. And in order to make it possible for those who have filed upon the lands, as stated in that article, if it be true, I would limit the holdings to 40 acres, and give every man who is a citizen of the United States, or has declared his intention to become such, the right to make such an entry at \$5 an acre, instead of under the placer law. Everybody will know then exactly what he can do. The Department will have control over the administration of the matter, and people who enter must do so under an affidavit that they do not enter for speculative purposes, and the right to contest and defeat the title will go with my bill if they do so acquire them fraudulently. Under the proposed committee bill no such protection can be given the Government.

Mr. NEWLANDS. I understand that the gentleman proposes to enlarge the scope of this bill in the first place by extending it to borax and soda instead of salt alone.

Mr. McRAE. Well, if that is an enlargement. I think it is all embraced in saline. I think salt covers it, but I do not want any question about that.

Mr. NEWLANDS. Then in addition to that, the other change you want is, that the word "unoccupied" shall be stricken out.

Mr. McRAE. Yes; but I want more than that. I want an entirely different act. I say that the placer law ought not to be extended to it, because there is nothing about the administration of the placer law which is applicable.

Mr. NEWLANDS. Now, I ask the gentleman whether he does not propose to make each entry 40 acres?

Mr. McRAE. Yes.

Mr. NEWLANDS. This bill makes it 20 acres, does it not?

Mr. McRAE. A corporation may enter 160 acres.

Mr. NEWLANDS. This bill says that the same person shall not locate more than one claim hereunder.

Mr. McRAE. But the claim for a corporation is 160 acres.

Mr. NEWLANDS. That is under the placer-law act.

Mr. McRAE. Under the placer law. So a corporation may get 160 acres in the first place, and every man it can control can get 20 acres, and they need never to come to the Government to get a patent as long as they work it. Nobody has got anything to do with it except the corporation and the local miners, and they can get together and pass their local laws and administer the Government's property and never pay a cent for it. It is a most cunningly devised act to get control of valuable salt beds, and for which the people who may get them have done nothing in the way of discovery. If they had earned it as the gold miners earn it, by delving down into the ground at an expense of hundreds of thousands of dollars and much experience and learning, they might be entitled to it; but here the salt is upon the top of the ground and its location known to all, and can be plowed up by steam shovels and sold without the payment of one cent to the Government.

Mr. Speaker, there is another thing connected with this matter that I want to call attention to. That is the fact that is disclosed in the report of this special agent—that one of the incorporators of this New Liverpool salt concern was the traffic agent of the Southern Pacific Railroad Company, and that by a system of favoritism to it that company has aided in driving out of business the men who competed with it.

I call attention to it to show you what favoritism this concern has had shown to it by the use of Government lands and by a railroad which received a grant of public lands. Instead of seeking to recover the lands erroneously patented to this railroad and for the salt taken from section 22, which has not been patented, gentlemen stand up here and ask to extend a law that deliberately and expressly protects the salt company in the occupancy of that land, and makes it possible for it to hold not only what it has acquired by purchase from the railroad, but to acquire section 22, the most valuable section in the great salt basin.

I propose an amendment, to strike out all after the enacting clause and insert what I send to the Clerk's desk, and ask the Clerk to read.

Mr. SHAFROTH. I will ask the gentleman whether that amendment is the same as House bill No. 13704?

Mr. McRAE. Exactly. It is in print, and the other is not.

The Clerk read as follows:

That surveyed public lands of the United States, valuable chiefly for salt, borax, or soda, but unfit for cultivation, may be sold to citizens of the United States, or persons who have declared their intention to become such as required by the naturalization laws, in quantities not exceeding 40 acres to any one person or association of persons, at the price of \$5 per acre, payable one-fifth cash and the remainder in four equal annual installments.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement, in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation and valuable chiefly for its salt, borax, or soda; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States, or the salt, borax, or soda therefrom, should inure in whole or in part, to the benefit of any person except himself, which statement must be verified by the oath of the applicant before the register or receiver of the land office within the district or before the clerk of the county in which the land is situated; and if any person taking such oath shall swear falsely in the premises he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance, lease, or sale which he may have made of the land, salt, borax, or soda, except in the hands of bona fide purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land, in his office for a period of thirty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of the said thirty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal, and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in the case of homestead entries, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, and the full payment of the purchase money, a patent shall issue thereon: *Provided*, That any person having a valid claim to the land may contest the issuance of a patent to lands so claimed by him, stating the nature of his claim thereto; and evidence shall be taken and the merits of said contest shall be determined by the officers of the Land Office, subject to appeal, as in other land cases, and the laws applicable to contests in homestead entries are hereby extended to lands subject to entry under this act. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

The SPEAKER pro tempore (Mr. MOODY of Massachusetts). The gentleman from Iowa is recognized for fifteen minutes.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House before proceeding. I have always listened with absolute confidence to the positions taken by my friend from Arkansas [Mr. McRAE], and his objection to this bill is entitled to the careful consideration of this House. I only regret his retirement from the Committee on Public Lands, on which he served so long; and I have no doubt if he had been a member of that committee, and had investigated that matter as the committee has, he would have joined the Republican members of this committee and the Democratic members of the same committee in the unanimous reports which they have presented in this case.

This matter has come before Congress twice. In the Fifty-fifth Congress the Commissioner of the Land Office and the Secretary of the Interior asked Congress to adopt the legislation which is now being considered in this bill. No action was taken at that time. And in the present Congress the Commissioner of the Land Office again, on page 77 of his report, called attention to his request for legislation of this character, and urged that a bill substantially such as that now before the House be adopted.

The committee took the subject up upon a bill introduced by the gentleman from Nevada [Mr. NEWLANDS]. This proposition is a

much larger one than merely applying to the saline basin in southern California. As the gentleman has shown, it will apply to the shore of the Salt Lake and the deposits of salt of various kinds in Nevada, and it was to these deposits that the gentleman from Nevada was addressing himself in the introduction of the bill. The bill was reported unanimously from the Committee on Public Lands. The Committee on Public Lands of the Senate reported the same bill, but there was a clause in both bills providing that where persons had possession, had locations which had been made or were doing work upon those lands, they should have a preferential right for six months to enter under the placer-mining laws.

Mr. McRAE. I want to correct the gentleman. The Committee on Public Lands of the Senate did not consider this bill at all.

Mr. LACEY. What committee did?

Mr. McRAE. The Committee on Mining, and the bill in my opinion, therefore, ought to have gone to the Committee on Mining.

Mr. LACEY. It may have been reported by the wrong committee of the Senate. If it was reported by the Committee on Mining, it was reported by the wrong committee, because this is a matter which ought to come within the exclusive jurisdiction of the Public Lands Committee. But in the Senate they struck out that provision for preferential right of entry. In the House the bill stands in that shape.

Inasmuch as the Senate bill was different in striking out the preferential right, I called the attention of the committee to it, and they considered whether they should accept the Senate bill. The matter was considered, and the gentleman from Arkansas [Mr. McRAE] and the attorney for the Mexican Standard Salt Company also appeared before the Committee on Public Lands and objected to the bill. A full hearing was had, the matter was fully investigated, and the committee unanimously stood by the bill with the Senate amendment as it appears upon the Speaker's table. So the proposition is one not at all confined to the saline basin, but is of a general character, and it is incidental that it applies to that locality.

This is now a fight between two salt companies. It appears that the Mexican salt company (the Standard) has been importing salt into the United States, paying duty at \$1.80 a ton. Then it appears that it was the habit of the Liverpool Salt Company to export salt to Mexico, paying the Mexican duty. Application was made to the Mexican Government, and that Government increased the duty on American salt to \$20 a ton, thus prohibiting the importation of American salt into the neighboring Republic. The same person who is making opposition to this bill is manager or president of the Mexican Salt Company. He is attacking this bill. He wrote a letter to the chairman of the Committee on Public Lands, and I call the attention of the House to a few lines from it. He said, in the letter written in January, 1901:

The New Liverpool Salt Company and their manager, Mr. George W. Durborow, have for years taken great quantities of salt from the Government lands contrary to law. They have ruined the salt industry of this section with Government salt. One man lost, he claims, \$60,000 in the salt business on account of the action of the New Liverpool Salt Company, who demoralized trade with Government salt, which they have taken without cost.

They cut the price down and outraged the Mexican company, and now they come for relief to the Congress of the United States! Further on in the letter he says:

I beg of you that you will withhold any action by your committee during the present session, letting these people, who have seen fit to browbeat and destroy the salt manufacturers of this section, to face the United States and face the people whom they have injured, and not be a party to finding relief for them.

They had been "furnishing cheap salt," and have robbed and injured the people of the United States. And this gentleman, representing the Mexican salt company, wants them to face the indignant people, who have actually been getting salt a little cheaper from this locality than they would have got if the business had been interfered with by appropriate legislation.

Mr. HENRY C. SMITH. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. HENRY C. SMITH. In what respect does this salt compare with other salt?

Mr. LACEY. It is better than Michigan salt, a great deal.

Mr. HENRY C. SMITH. Then I am against you. [Laughter.]

Mr. LACEY. It is a remarkable deposit. There are 150 square miles of it. One-half of it belongs to the railroad company and the other half belongs to the Government. That leaves about 75 square miles belonging to the Government, and the Mexican concern is afraid that somebody will get that 75 square miles and monopolize it.

Mr. MONDELL. Has the gentleman any information as to what the railroad company asks for its salt lands?

Mr. LACEY. I have information, but I do not know how accurate it is, and in a controversy between salt companies I take everything with a few grains of salt. [Laughter.]

This bill is a much broader bill than would apply to one basin. It applies to all the salt in the Western country, and it proposes,

as requested by the Secretary of the Interior and the Land Office, to put it under the placer-mining law. Under that law unlimited quantities could be taken, but they must pay \$5 an acre, and this bill limits the location of one claim to each person. Consequently, instead of taking unlimited claims, each man can only get 20 acres, and he is required to pay \$5 an acre or do \$100 worth of work on the claim each year continuously in order to hold it. This particular locality is a natural salt factory. There are 150 miles that are flowed every year from 1 to 2 feet in depth. The wind blows from one direction usually in winter, blowing the water with the salt upon it to one side of the basin, and there it crystallizes; and in the summer it is the hottest place in the world, 150 degrees in the sun. Nobody can work in this salt except an Indian, and he only an acclimated Indian.

Now, this company was working upon land bought of the railroad company. I am told that the railroad company offers the land from \$2.50 to \$3.50 an acre and have only sold about three sections. These lands were staked off. Each section had stakes on the corners, but as the water comes up each winter the stakes were washed out. So when this company put down an artesian well, by mistake they put it on the public land instead of on the railroad land, and the main object which gentlemen have in trying to get section 22 is to capture the hole in the ground bored by the Liverpool Salt Company. That hole was drilled in order to get fresh water for the purpose of washing the salt. The salt is almost pure. It is taken off the ground with a plow and scraper, loaded on the cars, but the market in which it can be sold is limited, because of the question of transportation. It controls largely the trade of southern California.

Too much attention has been attracted to this particular feature of the bill as to its application to this particular basin. This affects the States and Territories of Colorado, Idaho, Arizona, and New Mexico, and all of the various Western States, and pending the thorough examination or reexamination suggested by the gentleman from Arkansas [Mr. McRAE] the committee came to the conclusion that all they were asked to do by the gentlemen opposing this bill was to make such legislation as would aid the Mexican company in their contest with the southern California company, and that they were not disposed to do. The bill also includes Salton, but it provides in a general way for the opening up of the various regions where the salt can be found.

Mr. Plummer's letter was read to the House in the time of the gentleman from Arkansas, in which he says that the bill ought not to pass. Afterwards he sent a telegram to the Commissioner of the Land Office, which I ask to have read from the Clerk's desk.

The Clerk read as follows:

SAN FRANCISCO, CAL., January 2, 1901.

Hon. BINGER HERMANN, Washington, D. C.:

Please rescind letter November 14. Signed under misapprehension. Ifavor bill recommended in report June 30.

J. A. PLUMMER.

Mr. LACEY. So this proposition comes before Congress indorsed and requested—in fact, the bill was introduced at the request of the Land Office and the Secretary of the Interior. It has been considered in two Congresses, passed by the Senate, and was before the House, and after a thorough hearing of it, without regard to party, the Committee on Public Lands unanimously decided on the propriety of accepting the Senate bill and adopting this measure, and providing a method by which salt can be taken.

There is nothing in the contention as to the even-numbered sections in the Salton Basin. We have photographs here, but they are too small for the House to see at a distance; but I would be glad to have every member look at the photographs on my desk to show the vast area that this deposit covers. There is no danger of a monopoly in a basin of that size.

Mr. BREAZEALE. About what is the area covered?

Mr. LACEY. About 150 square miles.

Mr. BREAZEALE. One other question: Has this bill received the unanimous report of the committee?

Mr. LACEY. It has been unanimously reported twice—first, when there was no opposition to it; second, upon reconsideration and reexamination, when my friend from Arkansas made before the committee about the same speech he has made here to-day—a little better speech than the speech of to-day, because the room was smaller and we could hear him better. His speech was made before the Committee on Public Lands—a committee that confides in him, that has never lost faith in him; a committee that would believe anything he might say, unless they knew it was not the fact. [Laughter.] The committee, having once investigated the matter, reinvestigated it on the request of the gentleman, and again came unanimously to the conclusion that the bill ought to be passed. If there is anything that would change my mind on this question it is the fact that my judgment is in conflict with that of my friend from Arkansas. But the difficulty with him is that he has not given the matter as full examination as its merits deserve, or as full as he really thinks he has.

[Here the hammer fell.]

Mr. NEWLANDS. I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I am not acquainted with either of the corporations that are trying to get possession of section 22 of the Salton basin, nor with any stockholder of either corporation. But we people of the mining States believe that when laws are to be enacted they ought to be general, and for that reason we oppose any legislation that has a tendency to make a variation or difference in the mining laws. The natural inquiry is, What is the best law to be adopted in reference to the taking up of saline lands—not in Salton Basin, but throughout the entire United States?

The answer, it seems to me, is plain and clear, that either the law with reference to lode-mining claims or with reference to placer-mining claims would be very appropriate legislation. The reason we want to adopt one or the other of those systems of locating claims is because the courts have construed the provisions of those laws. A man who locates his claim under those laws knows what rights he has. But if you are going to enact a new statute—for instance, the substitute proposed by the gentleman from Arkansas—the result will be that novel constructions may be placed upon every sentence or every syllable contained therein. These mining laws are somewhat intricate; they involve the constructions which have been adopted by the courts. The courts have been construing the placer-mining laws for years and years, and now a man locating a mining claim knows pretty clearly to what he is entitled.

The gentleman from Arkansas says that the present bill is calculated to create a monopoly. I submit, Mr. Speaker, that it is no more conducive to a monopoly than the bill which he has himself introduced. We know from the experience which we have had with reference to placer-mining claims that no monopoly has taken place; nor is it likely that any monopoly could be created by the laws relating to placer-mining claims, for the reason—

Mr. McRAE. Will the gentleman point out any section of the placer-mining law which prohibits the acquiring of title by one man for another after location?

Mr. SHAFROTH. Oh, no. But the feature of the existing law which prevents a monopoly is the very feature which the gentleman has omitted from his bill, and that is the provision that any man locating a claim shall do annual work upon it. A monopoly wants to get possession of lands and hold them so that they can not be worked. But when the law requires that on every 20 acres of land the locator must do \$100 worth of work each year, that is the feature which makes the taking up of lands under the placer-mining laws unprofitable to corporations and monopolies. In view of that requirement to do work, it is much more difficult to create a monopoly than under the bill which the gentleman has introduced, which simply provides that a man can bid for the land to an amount not exceeding \$5 an acre.

Mr. McRAE. It is not a question of bidding, but of purchasing as an absolute right such land by a citizen of the United States.

Mr. SHAFROTH. Yes; it is a sale at \$5 an acre. Now, the placer-mining laws require that a man shall do \$5 worth of work per acre every year on his claim. Consequently, if he holds that land five years—

Mr. McRAE. He can have the work done by a corporation, or sell to one, and in that way a monopoly may be created.

Mr. SHAFROTH. I do not care by whom the work may be done. It is the cost of the work which makes large holdings unprofitable.

But this placer-mining law, which is made applicable to salt-mining claims, simply says that each locator shall have but one salt-mining claim. It is true that after locating one claim he may sell it to somebody else; but the same thing can take place under the bill the gentleman has introduced.

Mr. McRAE. The gentleman is mistaken, because under my bill when a man initiates an entry he must swear that he buys for himself.

Mr. SHAFROTH. But is there any provision that after he has obtained title from the United States he can not convey it?

Mr. McRAE. When a man has bought land in good faith he can, if he sees fit, dispose of it; and he ought to be allowed to do so.

Mr. SHAFROTH. The mining laws ought not to be so limited that a miner can not sell his claim.

Now, Mr. Speaker, is it possible that this House will for a minute seriously consider the proposition to substitute for the bill of the committee that which is offered by the gentleman from Arkansas—a bill which the gentleman himself has framed, but which I do not believe any member of the Committee on Public Lands saw until yesterday, and I doubt whether any other member of the House has seen it until to-day.

Mr. McRAE. Will the gentleman allow me to say that the bill to which he refers is at least in print, while the bill under consideration, and which we are asked to pass, is not even in print and not accessible in any shape?

Mr. SHAFROTH. That may be true, Mr. Speaker; but never-

theless the only provision contained in the bill is that the provision of the placer-mining lands shall apply, and these placer-mining laws are well understood. They have been upon the statute books for years and years past, and there can be no misunderstanding their meaning.

Now, as to the bill proposed by the gentleman, there are several provisions in it which no committee, in my judgment, would recommend. The very first line of the bill proposed by the gentleman contains a provision which would be exceedingly objectionable to me, and one which I could not support. He refers to the "surveyed lands of the United States."

Is it possible that we wish to limit the exploration of these lands, the opening up of these mines and deposits, to the surveyed lands alone? Certainly the gentleman is familiar with the history of mining operations of the past. Any man may go upon the public lands which have not been surveyed and locate a gold mine. He may get millions and millions out of it. Why, the gentleman must know that in 1849, in the excitement of the mining operations in California, lands were taken up in all parts of that State, vast mineral deposits unearthed, and millions, untold millions of dollars taken from the earth where there never had been a survey. Millions of acres of the public domain still remain unsurveyed. Is it possible that a law applicable to gold and silver mines which has been on our statute books for years, and which can not be abused, shall not apply to lands of very much less value and containing minerals not nearly so desirable to the prospectors as gold and silver?

Again, the gentleman's bill—I mean that offered as a substitute by the gentleman from Arkansas—provides that a man shall apply for these lands at the office of the register and receiver in the local land office of the district where the lands are situated, and if there is no contest there he shall be entitled to his entry at \$5 an acre.

Mr. LACEY. To how many acres?

Mr. SHAFROTH. He may acquire 40 acres under the provisions of the McRae bill. That is just twice as much as the individual locator is allowed under the provisions of the bill reported from the Committee on the Public Lands. Now, as the gentleman says, eight persons may associate themselves together and take up 160 acres of the land, and a corporation is allowed to take up the same amount of land, because it is presumably an association of individuals; and when they acquire lands in this manner there is no limit to their right to convey them.

Mr. McRAE. If the gentleman will permit me, I am sure he desires to be entirely fair in his statement—

Mr. SHAFROTH. Undoubtedly.

Mr. McRAE. Under your bill any number of men can make entries to the extent of 20 acres that you permit them to take up.

Mr. SHAFROTH. Yes.

Mr. McRAE. Then, in that event, what prevents these men from acquiring an indefinite number of tracts, consolidating them by sale, and thus make a monopoly of the whole?

Mr. SHAFROTH. Why, Mr. Speaker, it is prevented by the requirement contained in the placer-mining act, which permits them to take up only 20 acres of land each, and requires \$100 worth of work to be done on each tract each year for a period of five years after the location has been made.

Mr. McRAE. But when a number of men gather together and make their selections and acquire the land, what is to prevent them from consolidating with another concern occupying a like number of acres, and so on indefinitely, especially in view of the fact, when it is a well-understood thing that they can do their work upon one claim and it counts as being work upon all the claims owned by such a combination?

Mr. SHAFROTH. That is only true as to the eight claims to which the gentleman has referred, but could not possibly go beyond that.

Mr. McRAE. That is true as to the eight claims located and also indefinitely true, because the right to purchase applies to any number of claims.

Mr. SHAFROTH. The gentleman is mistaken in that. You can put \$4,000 worth of work on any one of the claims and have it apply to the eight claims located together, but it would not apply to any other claims. Monopoly is absolutely prevented by the provisions of this bill.

Now, in the gentleman's amendment that seems to be permitted. These people who engage in a monopoly want a very large area to keep out other producers and prevent competition. This bill that we are advocating prevents such monopoly, and anything we can do to make these people work and spend money upon the land is that much of a preventive toward taking any lands for monopoly purposes unless they are to be developed. Of course the attempt to acquire a monopoly of such lands will be entirely too expensive a proposition and could not operate under any circumstances.

But there is another objection to the proposition the gentleman makes. The mining laws have become familiar to the people who are engaged in that industry throughout the United States. We believe in the exploration of the public lands of the United States,

and insist that there should be a requirement that before people acquire title to the domain under the United States for mining purposes they should explore and develop the lands, because if they are permitted to acquire them without this development it would allow the acquisition of large tracts of public land without regard to the interests of the United States and the welfare of the general public. It is on that account that we say we do not want your land, even for nothing. We want to make every man who goes upon the public domain exploring for mineral of any kind expend money, so that he will discover something of value; so that his claim will be developed; so that the country will be developed; so that it will add to the wealth of the nation itself. For these reasons the public-land laws of the United States have always provided that developing work should be done each year.

Now, the bill which the gentleman from Arkansas has introduced requires nothing of the kind. It simply requires that purchase may be made at \$5 per acre, and after the title is made there is no limitation whatever upon the party having it. It is true, Mr. Speaker, that monopolies can buy. It is true that they can do so under this and under the other system which is in vogue; but under the placer-land laws the man must pay five times as much if he wants to hold the land, and that of itself has a tendency to prevent monopoly. It thereby becomes too expensive to acquire and hold large tracts of land in order to make them nonproductive.

Mr. Speaker, I want to say that we believe in uniformity of the mining laws. When a miner goes out and takes a piece of land he does not want to go to some town or city to find out how he shall locate it. Uniformity of the mining laws adds to the simplicity of the system, whereas if we have one law for salt lands, and another for gold lands, and another law for other lands, the result is that a man can not without almost expert knowledge make a location; that is, he will be confused. It will also be productive of litigation, by reason of the fact that one man will adopt one system with reference to certain lands and another man will adopt another system to the same kind of claims, and thus confusion and litigation will follow. It is better that there should not be one kind of law for saline lands and another law for other mineral lands, but that for the entire United States the land laws should be uniform, both for the simplicity in location of the land and for the development of the material interests of the nation.

Mr. NEWLANDS. I yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, the gentleman from Nevada and the chairman of the Committee on the Public Lands, as well as the gentleman from Colorado [Mr. SHAFROTH], have so fully explained the provisions of the pending measure, and demonstrated the necessity of its enactment, that but little of anything can be added to the discussion. They have also so clearly indicated the imperfections of the measure offered by my friend from Arkansas [Mr. McRAE] that I feel assured he must see the wisdom of accepting the committee's proposition.

Mr. Speaker, an argument of persuasive force appeals to me in favor of the committee's bill, viz, that it is along the line of uniformity in our mining system. The mining laws of the United States, notwithstanding their defects, stand as a monument to the genius of the Anglo-Saxons for self-government and to their love for order and regard for the rights of others. The policy of our Government has been to encourage the development of the mineral resources of the public domain.

The hidden wealth was regarded as the inheritance of the people and the invitation to all was to enter upon the lands of the Government and exploit therein the mineral wealth. The old monarchical idea that the sovereign was entitled to the mineral deposits did not prevail. The marvelous development of the West and the consequent enrichment of the nation can be attributed to this liberal and beneficent policy with reference to the mineral lands.

Early in the history of our legislation there was a disposition to impose restrictions upon the acquisition of title to mineral lands, and in January, 1828, the Committee on Public Lands in the House submitted a report against the system of leasing mineral lands or the adoption of a policy which would deter private exploration and development accompanied by ownership of such lands. President Polk, in his message to Congress December 2, 1845, strongly presented the evils which attended a system of leasing with the Government as the landlord and the people as tenants.

In 1850, because of the unparalleled output of gold from California, the public mind was inflamed, and some eminent legislators conceived the idea of securing some profits to the United States from the mineral productions.

But wiser counsels prevailed. Senator Benton, while in the Senate, argued for unrestricted freedom upon the part of the citizen in his explorations for mineral deposits upon the public domain. He stated:

That the United States ought not to undertake to make revenue out of the mines; * * * that she ought to content herself with receiving what

will pay the expenses of the administration of such a system, and that system ought to be just as simple as it can be made and, at the same time, preserve order among the miners. * * * I believe in individuals managing things of this kind, but not nations. * * * And have we not had experience in the attempt of our Government to raise revenue from mines? Have we forgotten the lead mines and salt springs we reserved in Missouri and Illinois? And have we forgotten that when we acquired these countries and heard of the salt springs and lead mines there we were inflamed with the idea of the United States deriving revenue from boiling salt water and digging lead mines? Under that excitement these salt mines and these lead mines were reserved to be leased. What was the result of it? It turned out that the Federal Government was never made for the purpose of boiling salt water or digging lead.

During the discussion of the mining law of 1866 Senator Sherman advocated the policy of throwing open to entry the mineral lands of the United States. He stated:

I think it is the interest of the United States to get rid of the mineral lands of the United States, to give them into the hands of private individuals, to give them the title by patents in the ordinary way, so that the United States will be divested of all proprietary right over the mines. * * * I might produce the opinions of Mr. Benton, Mr. Clay, and many of the most eminent statesmen of America to show that the title of mineral lands is of no benefit to the United States.

The leasing idea is founded upon the monarchical view that the most valuable things belong to the sovereign.

It has been condemned in this country, and our present liberal mining laws have been approved by the enlightened judgment of the people.

Leaving the homes of their fathers and the strong attachments of youth, the brave and heroic sons of the East broke through the deserts and with impetuous ardor threw themselves against the mountain fastnesses of the Pacific coast. Nature yielded to their demands, and a stream of mineral wealth gushed from the rocks struck by their hands and gave new life and energy to the industries of our country.

They established rules and regulations which secured them the results of their toil. These rules became the basis of the splendid mineral-land system now prevailing in the United States.

Congress recognized the miners' code by declaring, in 1866—

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, subject to such regulations as may be prescribed by law, and subject to the local customs and rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

Mr. Speaker, under the policy of the Government a uniform mining system has grown up in this country. The manner of acquiring title to mineral lands has been the same wherever public lands were found. Argument is unnecessary to show the advantages of uniformity in this regard. Rich and poor, all have known the law, and all have had equal opportunities to acquire mineral-bearing lands of the United States.

The placer law is understood by the people; it has been examined by the courts, as well as the land offices and land officials of the Government. Its provisions have been construed, and the courts have interpreted its meaning.

This bill proposes to apply a law well understood by the people, and acceptable in its operations both to the Government and the people, to the saline lands belonging to the United States. In the interest of order and uniformity, to prevent controversy and litigation, this action should be approved. This is tardy legislation. Years ago Congress should have done what is now suggested. It is in the interest of all the people to have the Government alienate the mineral lands. Their alienation means their development, and that means the increase of wealth.

My friend from Arkansas criticises the bill because of the language in the first line, which provides that "all unoccupied" lands of the United States saline in character "shall be subject to entry." He contends that these words imply a scheme to confer upon trespassers superior claims. As I understand his argument, certain persons are wrongfully upon some saline lands in California. They are trespassers and can be punished, but this bill legalizes their wrongs and converts their trespasses into preexisting and superior rights. With all due respect to my friend, whose judgment and ability I very much admire, I think he is in error.

The words "occupied" and "unoccupied," as employed in mining and land statutes, have a technical meaning. They have been construed by the courts over and over again. If there is no law by which title to these saline lands can be acquired, then they are in contemplation of law "unoccupied," and the fact that some person may be in possession of a portion thereof does not change the question. These lands are "unoccupied," and if this bill becomes a law will be subject to entry under the placer laws of the United States.

The distinguished gentleman from Arkansas further urges against the committee's measure that it will favor the creation of a salt monopoly. I need not say that no person is more opposed to criminal combinations and monopolies in restraint of trade and commerce than I am. I see in their growth a menace to the industrial freedom of the people; and I feel that appropriate legislation should be enacted to prevent their continuance and preclude their formation. But I think the position of my friend is

untenable; that is, I do not think his measure possesses any greater power to prevent a monopoly than the bill reported by the committee.

Certainly my friend knows that under the bill which he suggested it would be as easy to obtain a monopoly as under the law suggested by the committee.

Mr. McRAE. If the gentleman will allow me, I make the man who makes the entry swear that he will not dispose of the title, and fix the penalty for perjury if he does. Under yours there is no penalty.

Mr. KING. I understand—

Mr. McRAE. And he can sell before he gets the patent, and before he pays the Government a cent, and without any knowledge of the Government, simply under the regulations of the local miners.

Mr. SHAFROTH. Yes; but your provision only applies before the title is perfected, while it is pending before the patent is issued. It does not apply to what he may do with the land after it is patented.

Mr. McRAE. But that is exactly what can be done under the committee bill—sell before he gets title.

Mr. KING. I am afraid gentlemen are taking all my time.

Mr. McRAE. I will yield five minutes' time to the gentleman, if it is necessary.

Mr. KING. That is very kind. I was going to say that my friend certainly knows that some of the land laws of the United States—for instance, the homestead laws—contain very strict prohibitions with reference to alienation, and require the same character of oath which my friend here prescribes. It would seem that the Government has so hedged about the entry upon public lands under that law as to prevent people from alienating them. Yet my friend must know—and if he does not, everybody else in the West knows—that thousands of men have located upon land under the homestead law who have contracted directly or indirectly to alienate the land just as soon as they have obtained title.

The entryman has been furnished money with which to obtain title, and there has been an understanding existing between the parties that as soon as the patent was obtained the patentee would convey it to the party who furnished the money. Under the provision of the bill of my friend, just as soon as the title is obtained, alienation can be effected.

Mr. McRAE. But the gentleman will admit that the man who does that commits perjury and is subject to the penalties for perjury if convicted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McRAE. I will yield the gentleman three minutes.

Mr. KING. Perhaps that is true, and yet we know men do it.

Mr. McRAE. The point I make is that the placer laws suggest no penalty, and yet under that law you subject him to one location, and the day after he makes it, if he likes, he can transfer it to anybody else without the least danger or risk of punishment whatever. In my case he must swear that he enters for himself.

Mr. KING. I am afraid my friend is consuming the three minutes he so kindly yielded me.

Mr. McRAE. I yield you two more if you can answer that question.

Mr. KING. I may not answer it to the satisfaction of my friend. He knows that notwithstanding the stringency of the laws with respect to the alienation of lands acquired under the general land laws, they have been ineffective to prevent transfers. There has not been, within my knowledge, a single conviction for perjury because of alienation, and yet thousands of acres have been conveyed in contravention of the spirit, if not the letter, of laws by which such lands were acquired.

Mr. McRAE. There have been half a dozen in my State put in the penitentiary for violating the land laws.

Mr. KING. That is the only State, so far as I know, where the law has been enforced. There is nothing in the bill offered by my friend which will prevent the lands when patented from passing into the hands of a salt trust. The patentee can convey to any person. A representative of the Southern Pacific Railway could locate 40 acres under my friend's measure and his employees could each locate 40 acres. The employer might supply the money to obtain title and then the persons obtaining it could convey to the railroad or to a monopoly.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GAINES. I want to ask the gentleman a question.

Mr. McRAE. I will yield the gentleman one minute for that purpose.

Mr. GAINES. It seems that there is a scramble by somebody somewhere to get hold of these salt lands. That is the milk in the coconut, is it not? I am trying to get at the facts.

Mr. KING. I do not think so. If the gentleman will permit

me, the bill under consideration simply asks for the application of a well-understood and uniform law to all the lands of a similar character in the United States.

Mr. GAINES. That have salt mines.

Mr. KING. We seek to apply to all one general law.

Mr. GAINES. A salt trust or salt monopoly in this country is trying to get hold of these lands, is it not?

Mr. KING. It has been suggested by the gentleman from Arkansas that that was the case in southern California, where there is a large area of territory covered with a saline deposit, and two rival parties are trying to obtain a portion of it.

Mr. GAINES. You do not dispute the truth of the statement of the gentleman from Arkansas that someone who ought not to get hold of these lands is trying to get hold of them by the passage of this bill?

Mr. KING. I do not concede the truth of that. I believe that any man has the right to go there and make such effort as he can to procure title to a portion of this saline territory.

Mr. GAINES. But the scramble is to get hold of these salt lands in this and other of our Territories.

Mr. KING. I do not know that it goes that far.

Mr. GAINES. Do you not think it should be held as public property for the public benefit?

Mr. KING. I do not.

Mr. SHAFROTH. There are a great many other salt lands in the country.

Mr. GAINES. The salt trust appears to have obtained control of the whole country.

Mr. SHAFROTH. There are 350,000 acres of salt lands in the State of Kansas belonging to the Government to-day.

Mr. GAINES. Why are they not developed?

Mr. SHAFROTH. They are not available because you have got to sink so deep.

Mr. GAINES. If they can not be utilized, then these other lands ought to be kept.

Mr. KING. They are only valuable as they have good transportation.

Mr. GAINES. A good many people seem to want to get them, from the clash of logic and flow of eloquence we have had this morning.

Mr. NEWLANDS. I yield five minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, the questions involved in the passage of this measure have been somewhat beclouded by reason of a quarrel between two rival salt companies, one operating in Mexico and anxious to supply the American consumer with salt, the other operating in southern California. The Mexican company seems to be anxious that there shall be no law under which salt lands can be acquired in the United States, in order that they can continue to have a monopoly of the American market. The act was not drawn, as I understand it, with this particular salt region in view, and I doubt whether the controversy which has been referred to had ever been heard of by the gentleman who introduced the bill at the time he introduced it.

Those of us who live in the public-land States have long felt the need of some law for the disposition of public lands containing salts of various kinds, and the Public Lands Committee, after careful consideration of the subject, have concluded that an extension of the placer mining laws of the United States, in a modified form, to lands containing salts would be the best legislation for their disposition. There is, in my opinion, but one objection to the bill, and it is a very serious objection, but not an objection which will cause any member of the House to vote against it.

The bill, in my opinion, is too conservatively drawn. The Committee on Public Lands, in its excess of caution in extending the placer act to this class of lands—laws which have been extended in the past to various classes not included in these laws when they were originally passed—in the excess of caution the committee has provided that persons taking advantage of the placer act in locating and entering saline lands shall be confined to one claim; whereas in entering under the placer act any other sort of land of the United States subject to entry under those acts there is no limit to the number of claims which one party can locate or enter. In my opinion it would have been better if the committee had extended the placer laws to this class of lands without any limitation. But the bill as it is presented to the House extends the placer laws, the workings of which are well understood by the Western people, in an exceedingly limited way to saline land, and with that limit in the act it is far better calculated to prevent monopoly, in my opinion, than is the bill presented by the gentleman from Arkansas.

Mr. GAINES. Is there any provision in this bill to prevent this property from falling into the hands of a salt trust?

Mr. MONDELL. There can be no provision in any act which provides for the disposition of public lands which will prevent the party receiving the Government patent from deeding it to whoever he pleases after he receives his patent.

Mr. GAINES. What is the difference between preventing that and preventing or regulating trusts?

Mr. MONDELL. I will say that in my opinion the bill before the House will do more toward preventing the establishment of a salt trust or breaking up a salt trust, if there be such a thing, than any other legislation I can conceive of.

Mr. GAINES. Will the gentleman read that part of the bill which he thinks will do it?

Mr. MONDELL. The bill simply provides that the placer laws shall be extended to lands containing salt in any form. The placer laws provide that a citizen of the United States may enter 20 acres of land under these laws, and this bill confines the location or entry to one 20 acres of land. It provides that a citizen of the United States can only at one time in his lifetime locate 20 acres of land of this character.

Mr. GAINES. What is to prevent the salt trust going there and making an entry and taking charge of the whole thing?

Mr. MONDELL. As one individual can only take one claim, that is going as far toward preventing a consolidation of property as we can well go.

Mr. GAINES. A salt trust would be one individual, would it not?

Mr. MONDELL. I would say that if a salt trust can be established on 20 acres of land, which is the amount an entryman is allowed to take under this law, twice as much of a salt trust could be established with 40 acres of land, which the gentleman from Arkansas proposes to give each entryman.

Mr. GAINES. I am not saying that I am in favor of that bill. I am trying to prevent this sort of property falling into the hands of any trust.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. McRAE. Mr. Speaker, I am somewhat amused at the members of the Public Land Committee who have been discussing this bill. Each of them in turn has disclaimed any intention to help either salt company. One of the gentlemen saw fit to suggest that when I appeared before the committee, or at least on the same day, the attorney of one of these salt companies also appeared.

I thought I was not out of place in asking to be heard on a matter of such importance as this before that committee. I did not appear before that committee representing anybody except myself. But inasmuch as the gentleman has referred to my appearance before that committee, I will state that I had not proceeded very far with what I had to say on that occasion until an officer of the New Liverpool Salt Company interrupted me with questions. When I asked him who he was, he informed me that he was the treasurer of the New Liverpool Salt Company. And while these gentlemen of the committee disclaimed any purpose to serve either of those companies, and I acquit them of such purpose, yet they did report the very bill that gentleman asked them to report, and they say that it is right because unanimous.

Mr. SHAFROTH. Had we not reported the bill before that gentleman ever came before us, or before we ever heard him? Had we not reported the identical bill?

Mr. McRAE. I do not know whether you had or not. But this bill was on the Speaker's table; and I was led to believe when I appeared before the committee that the bill was under consideration. At any rate, if they had told me the matter had passed beyond their control or had been reported, I should not have wasted any time in addressing the committee. So much for my appearance before the committee.

Mr. LACEY. Will the gentleman yield for a question?

Mr. McRAE. Yes, sir.

Mr. LACEY. Does not the gentleman recall the fact that the committee postponed the further consideration of this matter for a full week, in order to give full opportunity to the gentleman from Arkansas and Mr. Brookshire, of Indiana, to present objections.

Mr. McRAE. I had not made any application for any such a hearing; but if he did, I thank him for it.

Mr. LACEY. A motion to reconsider the matter was made and carried; the matter was reopened and continued for a week, to give full opportunity for whatever might be said in opposition.

Mr. McRAE. I say that when I appeared before the committee I thought I had the right to be there, and I thought the committee was willing to hear me. There was no objection at the time, and I left feeling that I had not violated any propriety. The statement I made was only in reply to the suggestion of the gentleman from Colorado [Mr. SHAFROTH] that the committee had reported the bill before I went before it.

Mr. SHAFROTH. I want to say that the bill introduced by the gentleman from Nevada last season received our assent. We investigated it at that time. We did not want to cut off the gentleman from Arkansas. Of course we were perfectly willing to hear him.

Mr. McRAE. I have no interest in this matter except as a Representative, and am trying to protect the Government. My action

before the committee and here is upon my own responsibility. I shall do my duty without the fear or favor of any gentleman.

Mr. GAINES. Who was that gentleman and what did he want with that land?

Mr. McRAE. I do not know his name; but he said he was the treasurer of the New Liverpool Salt Company. The report of the special agent of the Government to the Commissioner of the General Land Office says that that gentleman's company is occupying section 22 without right or authority, and has worked it for years. I have had read those letters, not letters written to me but letters and affidavits submitted to the special agent by men recently engaged in the salt business in California, stating that they had been driven out of the business by this concern. I submit those letters and affidavits for what they are worth.

I believe this is a question which should receive careful consideration. I know that gentlemen from the mining States, where operations are carried on under the placer-mining laws, think that all mining operations ought to be carried on under that law, for under it they may never pay anything for land. But, sir, there are salt lands in Kansas and other public-land States where there has not been organized any mining district, and where they would be largely impracticable. Why should people there be compelled, if they want to mine salt, to organize a mining district?

In my bill I have sought to apply the main principles of the law which authorizes the sale of timber and stone lands limited to not more than 40 acres to each person. I have thrown around the provisions of this bill every safeguard I could. I require the applicant to make oath that he does not buy the land for speculation or for another person. And I make these claims contestable under the contest law, so that if it be proved that a man has sworn falsely, the person who attacks his title is allowed for thirty days the privilege of taking the land which the other has thus wrongfully sought to take. I give to every man, if he be a citizen of the United States or has declared his intention to become such, the right to initiate one of these small entries.

Now, let us see the practical operation of such a law on this Salt Basin. All of those men whose affidavits have been produced here can go to the land office of the district and make affidavit that they each want 40 acres; each of them can pay \$5 per acre, and get the land, or, if the man be a poor man, he can pay \$1 and the remaining \$4 can be paid in four annual installments. That is the way this measure will operate. Every man will have an equal chance under the bill to acquire his 40 acres.

Now, how will the bill of the committee operate? This New Liverpool Salt Company can take possession of 160 acres in section 22 and, under this bill with the word "unoccupied" in it, they can, I believe, keep everybody else off of so much as is occupied. They need not do anything except call their laborers together and declare themselves a mining district, and then each one of them can locate his 20 acres and the corporation its 160 acres. The company can, if it so desires, purchase the claims of all the other locators. The United States has then nothing to do with it and no officer of the Government can enter upon the lands to challenge their right of possession.

So, Mr. Speaker, they absolutely take control of this salt basin and all of it that is desired may be sold to this New Liverpool Salt Company. The only prohibition in this bill is that one man can locate only one claim of 20 acres; there is none against selling. I want to call attention to the letter of Mr. M. Lewis:

LOS ANGELES, CAL., November 24, 1900.

SIR: Mr. E. M. Durant, secretary of the Standard Salt Company, has shown to me your report for the fiscal year ending June 30, 1900; also copy of his letter to you dated October 18, together with your answer of October 30. I wired you to-day:

"My salt business ruined, being unable to compete with New Liverpool Salt Company using Government salt. Have lost over \$80,000 in the business. See letter."

In 1890 salt was selling at high prices. I built and equipped the Crystal Rock plant here, costing over \$40,000. Railroad people (namely, the late A. N. Towne, general manager of the Southern Pacific Company, and his secretary), not satisfied with profits from the Southern Pacific Company, branched out in the salt business, using salt from the deposits on Government land contrary to law, and making themselves rich; that was ruinous to honest manufacturers. My business was ruined, and a large plant shut down. Later, prices having been restored, I figured the public freight rates and the cost of manufacturing salt where the materials could be gotten at much less cost, and built and equipped a large plant at Redondo, Cal., at a cost of about \$18,000. After a hard struggle there in competition with prices made, which must have been based upon getting rates not exceeding 20 per cent of regular rail rates, I gave up the struggle, and took what I could for my interests at Redondo, the machinery that could be used for other purposes being sold.

I know that such a recommendation to Congress as you made could only be made by you at a time when you did not understand the conditions and did not realize that such action would ruin the salt industry of California and Arizona, and that such an act as recommended would give these railroad people an absolute monopoly.

I have swallowed this bitter medicine administered to me by this New Liverpool Salt Company, believing that, with C. P. Huntington's influence at Washington, it would be impossible to obtain any relief or stop the trespassers from illegally taking Government salt without large expense and years of waiting, with matters probably hung up in the Supreme Court.

If you will give this matter your personal attention, I am convinced you will see that it is your duty to stop these people from taking Government property, and with same ruining the salt industry, which has invested in it \$1,200,000 in this State.

There is no need of finding relief for these soulless monopolists, who have grown fat at our expense. If they had planted the same machinery for the purpose of cutting Government timber, they would not be entitled to relief, and they are no more so now.

It has been the policy of the United States to retain these valuable salt deposits; and I beg of you that you will withdraw your recommendation to Congress for the relief above referred to.

If you have the good of the entire populace in view, there is only one course left open, it seems to me. I have recently taken hold of oil development, and do not urge this action for myself, but I know the people with their all invested in salt plants, and their struggles against these robbers, and I wish I could help them. I do not think you will regret prompt action in the matter, for the whole jobbing trade would rise and call you blessed if you would put a stop to this illegal taking of Government salt, which demoralizes prices, causing losses and subjecting business men to the tirades of the manager of the New Liverpool Salt Company, who has made himself heartily despised by the merchants of this entire section. If there is anything in the way of proof that I could furnish you, kindly command me.

Yours, truly,

M. LEWIS.

HON. BINGER HERMANN,

Commissioner of the General Land Office, Washington, D. C.

Mr. GAINES. Let me interrupt the gentleman to ask if there is anything in either bill to avoid transferring this property to such trusts? For instance, you locate a claim for the purpose of speculating; then undertake to make a transfer of that claim to somebody else. How can you avoid it?

Mr. McRAE. The provision which I have recommended requires a man swear that he makes this entry for his own use only, and not for speculation. It makes it absolutely impossible for him to enter into such a combination as he may enter into under the existing law, if the committee bill be passed, unless he swears falsely. There is no certainty under the bill proposed by the committee that the Government will get anything out of salt lands at all. It simply opens the door to the free use of such lands to those who may get possession of all of these lands under the operation of the placer law.

Mr. SHAFROTH. Does not the gentleman recognize the fact that the placer-mining laws of the United States have been enforced for years and years past, and has the gentleman ever heard of a monopoly under the operation of the same?

Mr. McRAE. I will state to the gentleman that I do not live anywhere in a region of country where such laws are used to any considerable extent and do not know.

Mr. SHAFROTH. The gentleman knows, of course, that the locators are required to do work to the extent of \$100 on each 20-acre tract—

Mr. McRAE. Oh, yes.

Mr. SHAFROTH (continuing). And this prevents a monopoly because it makes it rather an expensive affair.

Mr. McRAE. Of course; but, as for preventing a monopoly, I can not understand how work to that extent would prevent it.

Mr. SHAFROTH. It has prevented it in the past.

Mr. McRAE. A man can buy claims as often as he is able to pay for them.

Mr. SHAFROTH. But you will admit, of course, that the right to make these transfers exists under the placer-mining laws?

Mr. McRAE. Of course.

Mr. SHAFROTH. And my question was, Has the gentleman heard of any monopoly under the existing law?

Mr. McRAE. The gentleman from Colorado forgets that law was intended for a different purpose. The placer-mining law originally had reference exclusively to more precious metals than salt. Of course the more precious metals are turned out the better it is, I think, for the people of the country. But this bill does not relate to the precious metals. These salt deposits have not been discovered by prospectors who have located claims upon them. They are known; they are upon the surface. Now, there is no reason why under our laws we should make it possible for any company or any combination of men or any concern to obtain control of our salt lands.

But, Mr. Speaker, I have taken very much more time than I had intended in the presentation of this question. I have done so because I think this is bad legislation. I know, as the gentleman from Utah [Mr. KING] said, that frauds are committed in the name and under the land laws of the United States. They can not all be exposed, but we can prohibit them and make it possible to punish them whenever an exposure is made.

So I hope the House will adopt this amendment, which makes it possible for all of these lands to be entered in the least legal subdivision known to the United States laws; and when this law goes into effect, if you adopt the substitute, it will be but a short time after its promulgation until all the salt lands that are valuable will have been taken up by the different salt concerns in that locality and in others where they desire to mine it. But if you pass this bill as recommended by the committee you will find, in my opinion, this New Liverpool salt concern and its employees will get control of all the lands that are of value, and they will have it without the payment of a dollar if they wish.

Now, Mr. Speaker, I move the adoption of the amendment which I have proposed, and which has been read.

The SPEAKER pro tempore (Mr. MOODY of Massachusetts).

The question is upon agreeing to the amendment of the gentleman from Arkansas.

Mr. NEWLANDS. I yield two minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. How much time is remaining?

The SPEAKER pro tempore. Fourteen minutes, controlled by the gentleman from Nevada.

Mr. LACEY. I will consume but two minutes. I want to call the attention of the House to the fact that under the placer-mining laws \$100 worth of work must be done on every 20 acres every year in order to hold it, or after \$500 worth of work has been done on 20 acres then a patent can be taken out by paying \$5 an acre for the land. So that on this particular tract of land, about which complaint is made, in order to monopolize 75 square miles of that land there would have to be a hundred dollars worth of work done on every 20 acres every year for five years before a patent could be taken, and then \$5 an acre would have to be paid for the land.

Mr. SHAFROTH. Not only that, but the cost of the surveys besides.

Mr. LACEY. And the cost of the surveys besides. Not only that, but under the proposition of the amendment of the gentleman from Arkansas they could take 40 acres at a time, by paying \$5, at once without doing any work. So that the Senate bill is a much better bill to prevent monopoly than the proposition of the gentleman from Arkansas.

And again, we extended the placer-mining law to petroleum. The result has been that in southern California land that lay idle and barren has been developed for coal oil, and a new industry has been built up there, producing millions of dollars each year. The placer law has not been an engine of monopoly, but has been the contrary from the time it was first enacted, more than a generation ago, down to the present time.

Mr. NEWLANDS. Mr. Speaker, I wish to say a very few words in closing this debate. The gentleman from Arkansas has sarcastically alluded to this bill as an innocent measure, and has frequently referred to it as a measure that is intended to conceal some wrong purpose. Now, I wish to say—

Mr. McRAE. I did not say anything about concealing anything, but I said it did not disclose on its face what could be done under it.

Mr. NEWLANDS. I wish to say with reference to this bill that I introduced it one year ago, in the last session, at the request of the surveyor-general of the State of Nevada, who stated that there were demands for salt in that State, for mining, and that it was impossible under existing law to locate salt lands for that purpose.

I had never heard of the existence of the New Liverpool Salt Company at that time, nor did I know anything about the existence of this Dead Sea of salt in California. That bill was favorably reported by the Committee on the Public Lands. It simply extended the law relating to the entry of placer lands to another mineral, salt, having already since its passage been extended to coal oil and to stone.

Now, a bill similar in character—in fact, identical in words—was introduced in the Senate by the Senator from Nevada, and that bill passed the Senate first and came to this House, and the Committee on the Public Lands of the House substituted the Senate bill for the one which it had recommended.

Now, it is true that the Senate bill, as it came to this House, differed in some degree from the one originally reported by the Committee on the Public Lands of the House. It struck out one thing that had been inserted by the Committee on the Public Lands, and that was the giving of a preferential right to those already in occupation of the salt lands. That was stricken out, and if the House confirms the action of the committee it will remain stricken out. There was another change. The Senate inserted the word "unoccupied." The bill read: "All public lands shall be subject to entry." The Senate put in the word "unoccupied," making it read: "All unoccupied public lands shall be subject to entry." The gentleman from Arkansas [Mr. McRAE] assumes that that was done with some covert purpose of protecting this New Liverpool Salt Company and enabling it wrongfully to obtain a monopoly of the dead sea in southern California.

Well, now, I refer to the debates in the Senate upon that question, and we will find that the Senator from Alabama [Mr. PERDUE] made objection to the bill introduced in the Senate; and what was the cause of his objection? He said:

I do not think any preference ought to be given at all, for the reason that if a man is on that land, using it, occupying it, and cultivating it as a salt mine, he is violating the laws of the United States, and he ought not to have a preference given to him by reason of his violation of the law.

So that the amendment of the Senator from Alabama was hostile to this New Liverpool Salt Company. His purpose was to prevent anybody in the occupation of public lands from having a preferential right or from having any right, and so, in order to meet the Senator's objection, the word "unoccupied" was inserted.

Now, inasmuch as this debate has drifted largely into a controversy regarding these salt deposits in southern California, I wish to say that I have recently familiarized myself with that subject. When the Senate bill came before the House Committee on Public Lands, I was there to urge its substitution, and then the attorney of the Mexican company, which is the rival of the New Liverpool Salt Company, appeared there and made objections, many of which have been made upon this floor.

The committee, instead of acting immediately upon the matter, granted the request for a postponement of one week, and at the adjourned meeting full hearing was given to the attorney of the rival salt company, as well as the gentleman from Arkansas [Mr. McRAE], who appeared of his own motion, and to whom, as the former chairman of the Committee on Public Lands, that committee is always disposed to listen with confidence and respect. And then the matter was fully developed, and the Committee on Public Lands unanimously reported the Senate bill.

Now, why do they present it in this form? Simply because they wished to have a general system of laws regarding mineral locations. We have two forms of entry—one form for the entry of a vein or lode in place, another for the placer, intended to cover the surface of the land; and the Government wisely restricted the location of the placer to 20 acres, and wisely permitted an association of 8 miners taking up 20 acres each, thus working 160 acres in harmony.

Now, as to the question of monopoly which could be secured under this act in the location of 100,000 acres of salt lands in southern California—this bottom of a great sea which has evaporated. The rains falling upon those mountains in the winter months flow down into the valley, filling up this level to a depth of from 1 to 20 inches, loosing the salt that has been deposited in the soil. Under the intense heat of the sun the water evaporates and the salt remains there exposed, subject to be plowed and taken away for use. A hundred thousand acres of land similar in character and quality are subject to location, and only 20 acres can be entered by any one man, and only 160 acres can be worked in cooperation.

I ask you what danger there is of a monopoly there? I should think that the New Liverpool Salt Works, owning, as it does, three railroad sections there and operating them, would be interested in preventing any entry whatever on this land; for I have no doubt it will lead to the introduction of rival salt companies, and the competition will result in lowering the price of salt. Now, when the matter was before the committee inquiry was made as to the operations of this New Liverpool Salt Company. It is reported here as embracing the entire world in its operations. It was developed that its market was Los Angeles alone, where salt sold at \$5 a ton. The freight rate to San Francisco was \$5 a ton, and salt sold there at from four and a half to five dollars a ton. I ask you, considering the transportation rates prevailing in the West, how could a monopoly be raised to monopolize the salt of this country?

Mr. GAINES. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. NEWLANDS. I do.

Mr. GAINES. Is there anything in the measure you advocate, or which the gentleman from Arkansas [Mr. McRAE] advocates, to prevent a monopoly from getting a certain amount of these salt lands?

Mr. NEWLANDS. There is nothing to prevent a man who has entered 20 acres of this land from afterwards selling it, but inasmuch as he has to expend as much as \$500 worth in every 20 acres, if the gentleman will figure it up he will find that it will require millions of dollars' expenditure in order that any monopoly should control these lands.

Mr. GAINES. A salt monopoly could go and get so much of the land and hold it, and acquire title thereto, could it not?

Mr. NEWLANDS. I do not understand that a salt monopoly could do it. Individuals could do it and transfer to the salt monopoly.

Mr. GAINES. Then one trust, composed of many corporations, can go and take charge of a certain amount of this property?

Mr. NEWLANDS. I do not know of anything in the law to prevent any monopoly from purchasing this property after it has been taken up by locators in 20-acre lots, but it is impracticable.

Mr. NEWLANDS. Only 20 acres.

Mr. GAINES. He can enter for that much whether it is a monopoly or not?

Mr. NEWLANDS. Yes. Now, I say it is impossible for anybody to engage in business there to have a monopoly of the salt business. The gentleman from Michigan need have no fear relating to the salt mines of that State, for the transportation rates would absolutely prevent this salt from being carried so far and sold at any profit. All I insist upon is that this bill was introduced in good faith and in the general interest of the mining

regions, and was intended to wisely supplement the mining laws. It is demanded by the entire mining region, and the placer-mining laws have been so shaped as to absolutely prevent monopoly. I ask now, Mr. Speaker, for the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. McRAE) there were 39 ayes and 86 noes.

Mr. McRAE. I ask for the yeas and nays, Mr. Speaker.

The SPEAKER (after counting). Twenty-three gentlemen rising; not a sufficient number, and the yeas and nays are denied. So the amendment was rejected.

The bill was ordered to be read the third time; and it was read the third time, and passed.

On motion of Mr. NEWLANDS, a motion to reconsider the last vote was laid on the table.

WILLIAM CRAMP & SONS.

Mr. GROSVENOR. Mr. Speaker, I now call up the bill (H. R. 1605) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.

The SPEAKER. The gentleman from Ohio calls up House bill No. 1605, upon which the previous question has been ordered, and the Clerk will report the bill by its title.

The Clerk read as follows:

A bill for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.

The SPEAKER. The question is on the amendments.

Mr. ROBB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROBB. To move for the recommitment of the bill.

The SPEAKER. We have not reached that point yet.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ROBB. Mr. Speaker, I move to recommit the bill to the Committee on Claims.

The SPEAKER. The Clerk will report the motion to the House.

The Clerk read as follows:

I move to recommit, with instructions to report bill with the following amendment: "Provided, That the investigation of the Court of Claims shall be confined to the alleged delays in the construction of the New York and Columbia.

"Provided further, That no interest shall be allowed by the Court of Claims on deferred payments."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri.

The question was taken; and the Chair being in doubt, the House divided, and there were—54 ayes and 70 noes.

Mr. ROBB. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 111, answering "present" 14, not voting 138; as follows:

YEAS—93.

Adamson,	Cushman,	Latimer,	Scudder,
Atwater,	Davey,	Lester,	Shackleford,
Bartlett,	Davis,	Lewis,	Shafroth,
Bell,	De Armond,	Little,	Sheppard,
Benton,	De Graffenreid,	Livingston,	Sims,
Bishop,	Denny,	Lloyd,	Slayden,
Brantley,	Dougherty,	McClellan,	Smith, Ky.
Breazeale,	Elliott,	McLain,	Smith, H. C.
Brenner,	Finley,	Miers, Ind.	Snodgrass,
Burke, Tex.	Fitzgerald, N. Y.	Moon,	Stark,
Burleson,	Fleming,	Muller,	Stephens, Tex.
Caldwell,	Gaines,	Newlands,	Sutherland,
Carmack,	Gaston,	Norton, Ohio	Terry,
Catchings,	Gordon,	Quarles,	Turner,
Chanler,	Griffith,	Rhea, Ky.	Underwood,
Clark,	Henry, Miss.	Richardson, Ala.	Williams, J. R.
Clayton, Ala.	Howard,	Richardson, Tenn.	Williams, W. E.
Clayton, N. Y.	Jett,	Ridgely,	Williams, Miss.
Cochran, Mo.	Johnston,	Robb,	Wilson, N. Y.
Cooney,	King,	Robinson, Ind.	Zenor.
Cooper, Tex.	Kitchin,	Robinson, Nebr.	Ziegler.
Cowherd,	Kleberg,	Rucker,	
Crowley,	Klutitz,	Ryan, N. Y.	
Cusack,	Lanham,	Salmon,	

NAYS—111.

Adams,	Cochrane, N. Y.	Gillet, N. Y.	Howell,
Aldrich,	Cooper, Wis.	Graft,	Hull,
Allen, Me.	Corliss,	Graham,	Jack,
Baker,	Cromer,	Green, Pa.	Jones, Wash.
Bankhead,	Crumpacker,	Greene, Mass.	Joy,
Barham,	Dahle,	Grosvenor,	Kerr, Md.
Barney,	Dalzell,	Groat,	Ketcham,
Berry,	Davenport, S. A.	Grow,	Lacey,
Boutell, Ill.	Eddy,	Hamilton,	Landis,
Bowersock,	Esch,	Haugen,	Littlefield,
Brick,	Fitzgerald, Mass.	Hawley,	Lybrand,
Brown,	Fordney,	Hedge,	McAleer,
Bull,	Foss,	Hemenway,	McClary,
Burke, S. Dak.	Fowler,	Hepburn,	Mahon,
Burkett,	Gardner, Mich.	Hill,	Minor,
Butler,	Gardner, N. J.	Hitt,	Mondell,
Calderhead,	Gibson,	Hoffecker,	Moody, Mass.
Capron,	Gill,	Hopkins,	Moody, Oreg.

Morrell, Morris, Needham, Olmsted, Otey, Otjen, Overstreet, Packer, Pa. Pearson, Pearre,	Prince, Reeves, Roberts, Russell, Shattuc, Shaw, Shelden, Sibley, Smith, Iowa, Smith, Samuel W.	Smith, Wm. Alden Southard, Spalding, Sperry, Steele, Stevens, Minn. Stewart, N. Y. Thomas, N. C. Thropp, Van Voorhis,	Vreeland, Wadsworth, Wanger, Warner, Weaver, Weymouth, White, Wilson, Idaho Young.
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ANSWERED "PRESENT"—14.

Allen, Ky. Ball, Boreing, Dayton,	Henry, Conn. Jenkins, Lawrence, McRae,	Mann, Metcalf, Norton, S. C. Phillips,	Stewart, N. J. Tate.
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NOT VOTING—132.

Acheson, Alexander, Allen, Miss. Babcock, Bailey, Kans. Bailey, Tex. Barber, Bartholdt, Bellamy, Bingham, Boutelle, Me. Bradley, Brewer, Bromwell, Brosius, Broussard, Brownlow, Brundidge, Burleigh, Burnett, Burton, Campbell, Cannon, Connell, Conner, Cousins, Cox, Crump, Cummings, Curtis, Davenport, S. W. Davidson, Dick, Dinsmore,	Dovener, Driggs, Driscoll, Emerson, Faris, Fitzpatrick, Fletcher, Foster, Fox, Freer, Gamble, Gayle, Gilbert, Gillett, Mass. Glynn, Griggs, Hall, Hay, Heatwole, Henry, Tex. Jones, Va. Kahn, Kerr, Ohio Knox, Lamb, Lane, Lassiter, Lentz, Levy, Linney, Littauer, Long, Lorimer, Loud,	Loudenslager, Lovering, McCall, McCulloch, McDermott, McDowell, Maddox, Marsh, May, Meekison, Mercer, Mesick, Meyer, La. Miller, Morgan, Mudd, Naphe, Neville, Noonan, O'Grady, Parker, N. J. Payne, Pearce, Mo. Pierce, Tenn. Polk, Powers, Pugh, Ransdell, Ray, N. Y. Reeder, Rhea, Va. Riordan, Rixey, Robertson, La.	Rodenberg, Ruppert, Ryan, Pa. Sherman, Showalter, Small, Smith, Ill. Sparkman, Spight, Sprague, Stallings, Stewart, Wis. Stokes, Sulloway, Sulzer, Swanson, Talbert, Tawney, Taylor, Ohio Taylor, Ala. Thayer, Thomas, Iowa Tompkins, Tongue, Underhill, Vandiver, Wachter, Waters, Watson, Weeks, Wheeler, Wilson, S. C. Woods, Wright.
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So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. WRIGHT with Mr. HALL.

Mr. LANE with Mr. GRIGGS.

Mr. FREER with Mr. PIERCE of Tennessee.

Mr. RAY of New York with Mr. TERRY.

Mr. WATSON with Mr. NOONAN.

Mr. GAMBLE with Mr. CAMPBELL.

Mr. MERCER with Mr. RHEA of Virginia.

Mr. TOMPKINS with Mr. DINSMORE.

Mr. LINNEY with Mr. BELLAMY.

Mr. DOVENER with Mr. NAPHEN.

Mr. MARSH with Mr. NEVILLE.

Mr. PHILLIPS with Mr. McDOWELL.

Mr. PUGH with Mr. ALLEN of Kentucky.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.

Mr. TAWNEY with Mr. BAILEY of Texas.

Mr. BURLEIGH with Mr. LASSITER.

Mr. DAVIDSON with Mr. COX.

Mr. EMERSON with Mr. MAY.

Mr. RODENBERG with Mr. RIORDAN.

Mr. BOREING with Mr. GILBERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. REEDER with Mr. STANLEY W. DAVENPORT.

For this day:

Mr. PAYNE with Mr. MADDOX.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. DICK with Mr. SPIGHT.

Mr. PARKER of New Jersey with Mr. BURNETT.

Mr. KERR of Ohio with Mr. ALLEN of Mississippi.

Mr. BABCOCK with Mr. HENRY of Texas.

Mr. HEATWOLE with Mr. TATE.

Mr. BROWNLOW with Mr. MCCULLOCH.

On this vote:

Mr. MILLER with Mr. WILSON of South Carolina.

Mr. SMITH of Illinois with Mr. ROBERTSON of Louisiana.

Mr. LITTAUER with Mr. FOSTER.

Mr. LONG with Mr. FOX.

Mr. LORIMER with Mr. LAMB.

Mr. LOUD with Mr. McDERMOTT.

Mr. WACHTER with Mr. RIXEY.

Mr. CONNER with Mr. RYAN of Pennsylvania.

Mr. COUSINS with Mr. SPARKMAN.

Mr. CRUMP with Mr. SMALL.

Mr. SHOWALTER with Mr. BARBER.

Mr. KAHN with Mr. BRADLEY.

For this vote:

Mr. MESICK with Mr. SULZER.

Mr. SHERMAN with Mr. DRIGGS.

Mr. LAWRENCE with Mr. LENTZ.

Mr. WEEKS with Mr. JONES of Virginia.

Mr. BAILEY of Kansas with Mr. POLK.

Mr. MUDD with Mr. RUPPERT.

Mr. JENKINS with Mr. HAY.

Mr. BURKETT with Mr. BRUNDIDGE.

Mr. CANNON with Mr. McRAE.

Mr. CUMMINGS with Mr. GAYLE.

Mr. BURTON with Mr. BALL.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the passage of the bill.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 82, answered "present" 10, not voting 149; as follows:

YEAS—113.

Adams, Aldrich, Allen, Me. Babcock, Baker, Bankhead, Berry, Boutell, Ill. Bowersock, Brick, Brown, Bull, Burke, S. Dak. Burkett, Butler, Calderhead, Capron, Cochrane, N. Y. Corliss, Cromer, Crumpacker, Cushman, Dalzell, Davenport, S. A. Denny, Esch, Fitzgerald, Mass. Fletcher, Fordney,	Foss, Gardner, Mich. Gardner, N. J. Gaston, Gibson, Gill, Gillett, N. Y. Glynn, Graft, Graham, Green, Pa. Greene, Mass. Grosvenor, Grout, Grow, Hamilton, Hawley, Hedge, Hemenway, Hepburn, Hill, Hitt, Hoffecker, Hopkins, Howell, Jack, Jones, Wash. Joy, Kerr, Md.	Ketcham, Knox, Lacey, Landis, Littlefield, Lybrand, McAleer, McCleary, Mahon, Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morrell, Morris, Mudd, Olmsted, Otey, Otjen, Overstreet, Packer, Pa. Pearre, Prince, Reeves, Roberts, Robertson, La. Shattuc, Shaw,	Shelden, Sibley, Smith, Ill. Smith, Iowa Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. J. Taylor, Ohio Thomas, Iowa Thropp, Underhill, Van Voorhis, Vreeland, Wachter, Wadsworth, Warner, Waters, Weaver, Weymouth, White, Woods, Young.
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NAYS—82.

Adamson, Atwater, Bartlett, Bell, Benton, Bishop, Brantley, Breazeale, Brenner, Burke, Tex. Burleson, Caldwell, Carmack, Catchings, Chanler, Clark, Clayton, Ala. Clayton, N. Y. Cochran, Mo. Cowherd, Crowley,	Davis, De Armond, De Graffenreid, Dougherty, Elliott, Finley, Fleming, Gaines, Gordon, Griffith, Henry, Miss. Howard, Johnston, Jones, Va. King, Kitchin, Kleberg, Kluttz, Lanham, Latimer, Lester,	Lewis, Little, Lloyd, Miers, Ind. Moon, Muller, Newlands, Norton, Ohio Quarles, Rhea, Ky. Richardson, Ala. Richardson, Tenn. Robb, Robinson, Ind. Robinson, Nebr. Rucker, Ruppert, Ryan, N. Y. Salmon, Shackleford, Shafroth,	Sheppard, Sims, Slayden, Smith, Ky. Smith, H. C. Snodgrass, Stark, Stephens, Tex. Sutherland, Talbert, Thayer, Turner, Underwood, Williams, J. R. Williams, W. E. Williams, Miss. Wilson, N. Y. Zenor, Ziegler.
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ANSWERED "PRESENT"—10.

Allen, Ky. Ball, Fitzgerald, N. Y.	Jenkins, Lawrence, McRae,	Metcalf, Phillips, Stallings,	Tate.
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NOT VOTING—149.

Acheson, Alexander, Allen, Miss. Bailey, Kans. Bailey, Tex. Barber, Barham, Barney, Bartholdt, Bellamy, Bingham, Boreing, Boutelle, Me. Bradley, Brewer, Bromwell, Brosius, Broussard, Brownlow, Brundidge, Burleigh, Burnett, Burton,	Campbell, Cannon, Connell, Conner, Cooney, Cooper, Tex. Cooper, Wis. Cousins, Cox, Crump, Cummings, Curtis, Cusack, Dahl, Davenport, S. W. Davey, Davidson, Dayton, Dick, Dinsmore, Dovener, Driggs, Driscoll,	Eddy, Emerson, Faris, Fitzpatrick, Foster, Fowler, Fox, Freer, Gamble, Gayle, Gilbert, Gillett, Mass. Griggs, Hall, Haugen, Hay, Heatwole, Henry, Conn. Henry, Tex. Hull, Jett, Kahn, Kerr, Ohio	Lamb, Lane, Lassiter, Lentz, Levy, Linney, Littauer, Livingston, Long, Lorimer, Loud, Loudenslager, Lovering, McCall, McClellan, McCulloch, McDermott, McDowell, McLain, Maddox, Mann, Marsh, May,
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Meekison,	Pierce, Tenn.	Sherman,	Terry,
Mercer,	Polk,	Showalter,	Thomas, N. C.
Mesick,	Powers,	Small,	Tompkins,
Meyer, La.	Pugh,	Smith, Samuel W.	Tongue,
Morgan,	Ransdell,	Smith, Wm. Alden	Vandiver,
Napfen,	Ray, N. Y.	Sparkman,	Wanger,
Needham,	Reeder,	Spight,	Watson,
Neville,	Rhea, Va.	Stewart, N. Y.	Weeks,
Noonan,	Ridgely,	Stewart, Wis.	Wheeler,
Norton, S. C.	Riordan,	Stokes,	Wilson, Idaho
O'Grady,	Rixey,	Sulloway,	Wilson, S. C.
Parker, N. J.	Rodenberg,	Sulzer,	Wright.
Payne,	Russell,	Swanson,	
Pearce, Mo.	Ryan, Pa.	Tawney,	
Pearson,	Scudder,	Taylor, Ala.	

So the bill was passed.

The following additional pairs were announced:

Mr. WM. ALDEN SMITH with Mr. FITZPATRICK.

Mr. STEWART of New York with Mr. FITZGERALD of New York.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. MUDD with Mr. COOPER of Texas.

The result of the vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid upon the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPIGHT, indefinitely, on account of sickness.

To Mr. FREER, indefinitely, on account of sickness.

SALINE LANDS, UNITED STATES.

Mr. NEWLANDS. Mr. Speaker, I move that the bill (H. R. 9141) to authorize the entry and patenting of lands containing salt, for which the Senate bill just passed was a substitute, be laid upon the table.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection, and it was so ordered.

REVENUE-CUTTER SERVICE.

Mr. DALZELL. Mr. Speaker, I desire to submit at this time a report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 371, have considered the same and herewith report the following substitute therefor:

"Resolved, That immediately after the conclusion of the consideration of the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes, the motion to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 5499) to promote the efficiency of the Revenue-Cutter Service shall be a continuing order, not, however, to interfere with conference reports, appropriation bills, or existing orders for Friday or business reported for the District of Columbia."

Mr. DALZELL. Mr. Speaker, I wish to say only a word in connection with this motion.

Mr. RICHARDSON of Tennessee. I would ask the gentleman simply to move the previous question, and then we can have the few minutes allowed for debate afterwards.

Mr. DALZELL. I was not aware that any discussion was desired. If the gentleman desires time, I will yield to him, however.

Mr. RICHARDSON of Tennessee. I only want a minute or two myself; but the gentleman from Alabama [Mr. UNDERWOOD] desires to be heard.

Mr. DALZELL. I will yield to the gentleman such time as he desires.

Mr. RICHARDSON of Tennessee. The gentleman from Alabama wants about ten minutes, and I want a few minutes myself.

Mr. DALZELL. I will yield to the gentleman from Alabama ten minutes, if he desires it.

Mr. RICHARDSON of Tennessee. Then I submit that the gentleman might make an explanation first as to the purpose of the rule, then yield time to the gentleman from Alabama, which will be entirely satisfactory to this side.

Mr. DALZELL. Very well; that will be satisfactory to me.

As the members present are aware, under an existing order the bill relating to the postal code—the codification of the postal laws—has the right of way in the House, subject to certain exceptions, such as conference reports, appropriation bills, and Friday business. The purpose of the rule which I now submit is to give the same privilege, immediately following the conclusion of the consideration of that bill, to the bill entitled "A bill to promote the efficiency of the Revenue-Cutter Service." If this rule be adopted, as soon as we get through with the postal code bill, the revenue-cutter bill will be the regular order, subject only to displacement by conference reports, appropriation bills, Friday orders, and business for the District of Columbia.

Now, Mr. Speaker, with this brief statement, which I think is all that is necessary, I will yield ten minutes to the gentleman from Alabama.

Mr. CLARK. Before the gentleman yields the floor, I would like to ask a question.

Mr. DALZELL. Very well.

Mr. CLARK. Is this practically the same or is it identically the same revenue-cutter bill which was up for consideration in the Fifty-third Congress?

Mr. DALZELL. That I could not say. I will ask the gentleman from Iowa [Mr. HEPBURN], who is familiar with that bill.

Mr. HEPBURN. I think not. Some of the general features are similar, but others are essentially different. It is not the same bill.

Mr. CLARK. What committee reports it?

Mr. DALZELL. This is reported from the Committee on Interstate and Foreign Commerce, and I will state to the gentleman that a similar bill has been passed by the Senate.

I now yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I do not propose to spend very much time in discussing this rule. The majority have seen fit to bring in a rule by which this proposed legislation shall be given priority over all other legislation before the House except appropriation bills, forcing it to the front, thereby delaying other important business that should be transacted before this House adjourns on the 4th of March.

I see no reason why a bill of this kind should be considered so important as to occupy the time of the House as a continuing order, such as is prescribed and enforced by this rule. I can see no reason why the bill should pass at all.

There is no doubt that the men and officers engaged in that Revenue-Cutter Service are efficient men and good officers. They have well-equipped vessels, and they perform their duty. There is no doubt about that. But there is no reason why they should be selected for this extraordinary promotion. I notice the report of the committee says that they served in the Spanish war, and that they have served in other wars, and for that reason they ought to be given this extraordinary right of retirement at higher salaries.

Why, Mr. Speaker, there are hundreds of volunteers in this country who served in the Spanish war and in other wars whom you do not propose to put on a permanent list to retire. They say, as an argument in favor of this salary grab that is proposed in this bill, by which it is intended to give these men a 10 per cent advance in salary for every five years they serve, that a similar provision applies in the Army and Navy.

I know that is true in the Army and true in the Navy, but we never apply the rules of the Army and the Navy to civilian officers. And these gentlemen are nothing more than civilian officers of the Government. Of course in time of war they may be called upon to serve in the field, as every volunteer may be called upon to serve in the field, but in times of peace their services are merely to enforce the revenue regulations of the Government, to look after light-houses, to catch smugglers, to enforce the navigation laws of the country. You might just as well talk about applying the rules that govern the United States Army to the marshals and deputy marshals of the United States as to talk about applying the rules that govern the Navy of the United States to the Revenue-Cutter Service. And yet they propose to apply this progressive rate of salary to these revenue officers, so that if a man has served five years he shall get 10 per cent added to his salary, and at ten years 20 per cent, at fifteen years 30 per cent, and at twenty years 40 per cent.

They say in their report that necessarily an officer who has served twenty years is more efficient than an officer of that rank who has served but five years. Well, I do not doubt that proposition. I have no doubt that the distinguished gentleman from Pennsylvania [Mr. DALZELL] who reported this resolution is, by reason of his long service in this House, of more value to his constituents and to the country than I am, who am but recently come into the House. But do you propose to apply your rule to members of Congress and increase their salaries so much for every five years they serve? Do you propose to apply this rule to United States marshals? Have you ever applied it to the distinguished judges who have presided over the courts of this country? Not at all. After the long service of Chief Justice Marshall you paid him no more as Chief Justice of the Supreme Court of the United States than you did the day he went on the bench.

There is no more reason why you should apply a retirement law to the Revenue-Cutter Service than that you should apply a retirement law to the United States marshals. The United States marshals enforce the civil laws upon the land and the Revenue-Cutter Service enforce the same kind of laws at sea. There is no distinction. This is merely one of those efforts that have been going on here year after year, into which we are gradually being pushed, to create a civil pension roll, a civil retirement list. We have a law for retiring the officers of the Navy and Army. It was but a few weeks ago that a bill was brought in here practically and virtually to retire a member of Congress. I am not criticising that bill, for I have nothing unkind to say in reference to the distinguished member to whom it applied, but it was a step which you took.

In the last session of Congress we had a bill before this House to apply the retirement law to the Signal Service Corps and to the Weather Bureau Service, and now you are giving it to the Revenue-Cutter Service, and the next step will be to retire the clerks in the Treasury Department and the other departments of this Government and to create an officeholding class in this country. Why, they receive better pay than your average constituent, or mine, who is rendering the same service and doing like work in this country. Your constituent and my constituent, if they are providing for the day of their old age and their retirement from the active affairs of life, must save their money as they go along. You and I may serve our country in the halls of Congress for years to come, and yet, when by reason of age and ill health we must retire, there is no retirement salary, and should be none, held out for us.

Why should these civil employees, who are merely employed at sea as civilian employees instead of being employed on land, be given this right of retirement, and also have this large additional pay, which amounts to 40 per cent after twenty years' service? Practically under this bill they will all have twenty years' service pay.

Mr. GRAHAM. Just a question.

Mr. UNDERWOOD. Very well.

Mr. GRAHAM. I would ask the gentleman whether or not he considers Captain Stoddard, the last survivor of the *Monitor*, a civilian officer. Yet he is one of those officers who will come in under this bill.

Mr. UNDERWOOD. The gentleman may make a special selection from officers who have served as volunteers, and who have since become civil officers and gone into the Revenue-Cutter Service.

Mr. GRAHAM. I could name a dozen.

Mr. UNDERWOOD (continuing). Reward his service as a volunteer and not as a civilian.

Mr. GRAHAM. All the officers of 20 ships were taken during the war.

Mr. UNDERWOOD. It matters not what service they rendered before entering the Revenue-Cutter Service. They may have been even soldiers and sailors, but when they became members of the revenue-cutter system they became civilian employees.

I am asked how many persons will be benefited by the bill.

The number of officers that would be directly benefited by this bill I can not state right now. The total amount of the raise of salaries in this small service would amount to \$138,000. The officers of this service to-day receive \$403,000 in payment of their salaries. The increase of the amount by \$138,000 runs the increase in their salaries alone to 25 per cent added by this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield two minutes to my colleague [Mr. MAHON].

Mr. MAHON. Mr. Speaker, this long-delayed justice to these men it appears now is to be given them. Two hundred and ninety-two members of this House have petitioned the Committee on Rules to give them a day to consider this bill. I am somewhat surprised at the speech of the gentleman from Alabama. The men in the Revenue-Cutter Service, as he knows, in time of war, by act of Congress, become part of the Navy of the United States; and during the late war there were more men killed and wounded in these revenue-cutter boats than in the regular battle ships and cruisers of the United States Navy. In time of peace these men on these small boats are continually on the water, away up in the Arctic—up where we protect the seals at Prince Georges Island—and protecting our coasts from the running of goods in here without paying duty. I say, there is no class of men in the service of the United States that sails the sea that do the hard work that these officers do.

Now, what is this bill? There are men in the service, as I have understood, one captain nearly 90 years old, others in the eighties and away up in the seventies, and these officers can not be retired under existing law. The result is that the men who command these ships have been prohibited the promotion they so richly deserve. Now, this bill proposes to put these old men on the retired list. Why not? Why should you have a man in the service who can not walk the decks of a ship, and have these younger officers command? While they hold the same rank as second lieutenant, first lieutenant, and captain in this service and are commissioned officers the same as in the Navy, with the same title as lieutenants, captains, there is no existing law by which they can be retired. Now, this measure has been in many Congresses. It was only during the late war with Spain that the people of this country and this Congress realized the value and the importance of this service and the service that they rendered to the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I have no desire nor intention to discuss the merits of this measure at this time. One thing is certain. A majority of the members of this House are so desirous of considering this measure that they have presented a peti-

tion to the Speaker signed by 298 members of this House; and this rule is here to-day pursuant of what we believe to be the desire of the majority of the members of the House. I ask for the previous question.

The question was taken, and the previous question was ordered.

The question was taken on agreeing to the resolution; and the Speaker announced that the "ayes" appeared to have it.

Mr. UNDERWOOD. Division, Mr. Speaker.

The House divided; and there were—ayes 70, noes 40.

Mr. UNDERWOOD. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 56, answered "present" 13, not voting 162; as follows:

YEAS—123.

Adamson,	Fowler,	Lewis,	Salmon.
Aldrich,	Gardner, Mich.	Littlefield,	Scudder.
Allen, Me.	Gardner, N. J.	Lybrand,	Shattuc.
Bankhead,	Gaston,	McAleer,	Shaw.
Bartlett,	Gibson,	McCall,	Shelden.
Bell,	Gill,	Mahon,	Sheppard.
Bishop,	Glynn,	Miller,	Sibley.
Boutell, Ill.	Gordon,	Minor,	Smith, Iowa.
Brantley,	Graham,	Moody, Oreg.	Smith, Samuel W.
Brenner,	Green, Pa.	Morrell,	Smith, Wm. Alden
Broussard,	Greene, Mass.	Morris,	Southard.
Brown,	Griffith,	Mudd,	Sperry.
Bull,	Grosvenor,	Muller,	Sprague.
Burke, S. Dak.	Groat,	Needham,	Stark.
Burke, Tex.	Grow,	Newlands,	Stewart, N. J.
Burleson,	Hamilton,	Norton, Ohio	Sulloway.
Butler,	Hedge,	Olmsted,	Taylor, Ohio
Capron,	Henry, Conn.	Otey,	Thomas, Iowa
Carmack,	Hepburn,	Otjen,	Thomas, N. C.
Clayton, N. Y.	Hoffecker,	Overstreet,	Turner.
Cochrane, N. Y.	Howell,	Packer, Pa.	Underhill.
Corliss,	Jack,	Pearre,	Van Voorhis.
Crowley,	Johnston,	Reeves,	Vreeland.
Crumpacker,	Jones, Wash.	Rhea, Ky.	Wachter.
Dalzell,	Joy,	Richardson, Ala.	Wanger.
Davis,	Landis,	Richardson, Tenn.	Waters.
Denny,	Lanham,	Roberts,	Weaver.
Driscoll,	Lawrence,	Robinson, Ind.	Weymouth.
Eddy,	Lentz,	Robinson, Nebr.	Wilson, N. Y.
Esch,	Lester,	Ruppert,	Young.
Fitzgerald, Mass.	Levy,	Ryan, N. Y.	

NAYS—56.

Allen, Miss.	De Armond,	McLain,	Smith, Ky.
Atwater,	De Graffenreid,	McRae,	Snodgrass.
Baker,	Dougherty,	Meekison,	Steele.
Barney,	Elliott,	Miers, Ind.	Stephens, Tex.
Breazeale,	Finley,	Mondell,	Stokes.
Brick,	Gaines,	Moody, Mass.	Sutherland.
Burkett,	Howard,	Prince,	Talbert.
Caldwell,	Kleberg,	Quarles,	Underwood.
Cannon,	Kluttz,	Robb,	Warner.
Clark,	Lacey,	Rucker,	Williams, J. R.
Clayton, Ala.	Little,	Shackelford,	Williams, W. E.
Cooney,	Livingston,	Shafroth,	Wilson, S. C.
Cromer,	Lloyd,	Sims,	Zenor.
Dayton,	Loud,	Slayden,	Ziegler.

ANSWERED "PRESENT"—13.

Allen, Ky.	Henry, Tex.	Norton, S. C.	Woods.
Benton,	Jenkins,	Phillips,	
Cowherd,	Kitchin,	Smith, Ill.	
Henry, Miss.	Metcalf,	Tate,	

NOT VOTING—162.

Acheson,	Dahle,	Kerr, Ohio.	Ray, N. Y.
Adams,	Davenport, S. A.	Ketcham,	Reeder.
Alexander,	Davenport, S. W.	King,	Rhea, Va.
Babcock,	Davey,	Knox,	Ridgely.
Bailey, Kans.	Davidson,	Lamb,	Riordan.
Bailey, Tex.	Dick,	Lane,	Rixey.
Ball,	Dinsmore,	Lassiter,	Robertson, La.
Barber,	Dovener,	Latimer,	Rodenberg.
Barham,	Driggs,	Linnay,	Russell.
Bartholdt,	Emerson,	Littauer,	Ryan, Pa.
Bellamy,	Faris,	Long,	Sherman.
Berry,	Fitzgerald, N. Y.	Lorimer,	Showalter.
Bingham,	Fitzpatrick,	Loudenslager,	Small.
Boreing,	Fleming,	Lovering,	Smith, H. C.
Boutelle, Ma.	Fletcher,	McCleary,	Spalding.
Bowersock,	Fordney,	McClellan,	Sparkman.
Bradley,	Foss,	McCulloch,	Spight.
Brewer,	Foster,	McDermott,	Stallings.
Bromwell,	Fox,	McDowell,	Stevens, Minn.
Brosius,	Freer,	Maddox,	Stewart, N. Y.
Brownlow,	Gamble,	Mann,	Stewart, Wis.
Brundidge,	Gayle,	Marsh,	Sulzer.
Burleigh,	Gilbert,	May,	Swanson.
Burnett,	Gillet, N. Y.	Mercer,	Tawney.
Burton,	Gillett, Mass.	Mesick,	Taylor, Ala.
Calderhead,	Graff,	Meyer, La.	Terry.
Campbell,	Griggs,	Moon,	Thayer.
Catchings,	Hall,	Morgan,	Thropp.
Chanler,	Haugen,	Naphen,	Tompkins.
Cochran, Mo.	Hawley,	Neville,	Tongue.
Connell,	Hay,	Noonan,	Vandiver.
Conner,	Heatwole,	O'Grady,	Wadsworth.
Cooper, Tex.	Hemenway,	Parker, N. J.	Watson.
Cooper, Wis.	Hill,	Payne,	Weeks.
Cousins,	Hitt,	Pearce, Mo.	Wheeler.
Cox,	Hopkins,	Pearson,	White.
Crump,	Hull,	Pierce, Tenn.	Williams, Miss.
Cummings,	Jett,	Polk,	Wilson, Idaho
Curtis,	Jones, Va.	Powers,	Wright.
Cusack,	Kahn,	Pugh,	
Cushman,	Kerr, Md.	Ransdell,	

The following additional pairs were announced:

On this vote:

Mr. HOPKINS with Mr. BERRY of Kentucky.

Mr. FOSS with Mr. MEYER of Louisiana.

The result of the vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

Mr. HEPBURN. I will ask the gentleman from Vermont to withhold that for a moment until I make a request for a reprint of the bill H. R. 5499, together with the report. This is the bill to promote the efficiency of the Revenue-Cutter Service.

The SPEAKER. Does the gentleman from Vermont withhold his motion?

Mr. GROUT. I do.

The SPEAKER. The gentleman from Iowa asks for the reprint of the bill H. R. 5499 and the report thereon, it being the bill to promote the efficiency of the Revenue-Cutter Service. Without objection, that request will be granted.

There was no objection.

The motion of Mr. GROUT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union to consider House bill 13575, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes.

Mr. GROUT. Mr. Chairman, I ask unanimous consent to omit the first reading of the bill.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 87.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1901, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McMILLAN, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McMILLAN, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GROUT. Mr. Chairman, this bill carries \$7,739,164.94, which is \$1,332,289 less than the estimates submitted by the Commissioners.

Mr. STEELE. How much more than the bill of last year?

Mr. GROUT. It carries \$164,448.63 more than the bill for 1901. There is included in this bill a single item of \$500,000 for a filtration plant, which more than accounts for its greater size. If this sum of \$500,000 were not appropriated, the present bill would be about \$324,000 less than the current law.

In the last bill there was appropriated \$200,000 toward a filtration plant. With that amount the requisite land has been purchased. In the estimates submitted to the committee was included this item for \$500,000 for this filtration plant as the sum which can be properly expended during the ensuing fiscal year. The item is recommended by the committee at that sum. This sum meets the demands of the American system, the estimates submitted by Colonel Miller being with that system in view. He is in charge of the water department, and favors the American system.

Mr. NORTON of Ohio. Will this appropriation if made confine this work to the American system, or will it permit the officers in charge of it to use any of this money for further investigation?

Mr. GROUT. The bill does not provide for further investigation; that is, the item here recommended does not. It contemplates the use of this sum of \$500,000 toward the erection of a plant, the estimated expense of which will be about \$1,000,000.

Mr. NORTON of Ohio. But it does not prohibit them from making any further investigation?

Mr. GROUT. No, sir.

Mr. OVERSTREET. Would there be any necessity for that appropriation if a change in the method of filtration were not contemplated?

Mr. GROUT. I hardly understand what the gentleman means by a change in the method of filtration. We have no system of filtration now. The object of this appropriation is to provide one. We are entirely destitute of any system of that kind at present, except so far as private individuals or hotel proprietors have introduced a filtration system into their houses or hotels.

Mr. OVERSTREET. The character of the plan of filtration is not mentioned in this bill or recommended by the committee?

Mr. GROUT. Not specifically, yet impliedly it is, because we appropriate the sum called for as necessary for expenditure during the ensuing fiscal year for the American system. If the European system were to be instituted, undoubtedly the call would be for \$500,000 more. At least I presume so; I will not speak positively as to that, because we only considered the item as to the necessities of the American system.

So, while the committee does not say that the system adopted shall be the American system, they appropriate the sum called for by that system. They considered it best not to specify the system in the appropriation.

Mr. OVERSTREET. What do you mean by the American system?

Mr. GROUT. That is what is called the mechanical system, in which a coagulum is used to precipitate the turbidity of the water, together with the bacilli it may contain. The water is then passed through sand, but in a much more rapid way than in the English system. The English system is otherwise known as the slow sand process, and it costs, as I have already stated, about twice what the American system costs.

I might at this point enter at length into the reasons why we limited this appropriation to \$500,000, but it must suffice to say that we thought it best to follow the recommendations of the officer in charge of the water system and of the Commissioners of the District.

Mr. OVERSTREET. Allow me to inquire whether the system which the gentleman has just stated can be put into effect without the extension of a certain patent?

Mr. GROUT. Most certainly. Whether or not the patent be extended, pray tell me, what is there in the way of putting into execution this system? I never heard that there was a patent on either system till after this bill was reported, and I presume no member of the committee knew anything about it.

Mr. OVERSTREET. Is it contemplated to extend that patent for the purpose of establishing this system?

Mr. GROUT. For my part I can not see how the extension of the patent would establish the system. I can not say but that it may have been contemplated by some one, but not by "your humble servant" nor by any member of the committee, as I believe. In fact this matter was never mentioned in the committee.

Mr. OVERSTREET. Then it was not considered by the committee?

Mr. BENTON. I would like to hear what was the question of the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. My query was whether the committee had considered the necessity of the extension of a certain patent in order that the American system might be introduced.

Mr. BENTON. As I understand, the committee did not undertake to decide at all as to the character of the system which would be used—either the American or the European system. It did not make any investigation on that point.

Mr. GROUT. But we have appropriated the sum called for by the American system. As to the patent to which the gentleman from Indiana has referred, I will say for one that I am dead against extending it. I do not believe that there are half a dozen men in either House who will be in favor of extending it.

The extension would undoubtedly enable certain persons to reap larger profits out of the patent than they have already done. If extended and the American system should be adopted here, it would contribute to those profits. But if not extended the patent will expire before the institution of the work, and no expense would accrue.

Mr. WM. ALDEN SMITH. But such an extension is not contemplated.

Mr. GROUT. Not at all, certainly, by the Committee on Appropriations. For one I propose to let the patent expire. I have no doubt the prospect of introducing the American system has encouraged the patentees to move for an extension, but this has seldom ever been granted by Congress, and I do not believe it will be done in this case, but that this patent will expire by its own limitation now in a few days, and then when this bill shall have passed the other body and shall have become a law, if it calls for the American system the officers in charge will use that; if it calls for the European system they will use that.

This large item of \$500,000 accounts in part for the increase in this bill over the amount in the current law. I will also say that on the subject of schools, and especially schoolhouses, there is a large increase in this bill over any previous law. The last District bill made the largest appropriation for the erection of schoolhouses that had been made by any bill up to that time presented for the action of the House.

You may possibly remember that the committee reported to you then that they had allowed for all the schoolhouses that were asked for by the Commissioners. In that bill you appropriated \$332,800 for new school buildings. The previous bill appropriated only \$247,700, while the present bill carries an appropriation of \$377,000, an increase over the bill of last year of some forty or fifty thousand dollars, and over that of two years ago of \$130,000.

Mr. STEELE. I would like to ask the gentleman from Vermont where the expenses in the District have been decreased? He has accounted for about \$327,000 in excess of the usual appropriation for the same purpose last year on account of the extension of the filtration plant at the waterworks. He now shows a difference of \$40,000 more, about, making \$367,000 in all of increase in the bill; so there must have been a decrease on some other features to keep it within the limits to which he has referred.

Mr. GROUT. I have not the items at hand, but there was a reduction on other points in the bill, such as appropriations for work on sewers, and work of a similar character that had been completed and did not require further appropriation. I find on reference to the report that there is a reduction in this bill, as compared with that of last year, of \$150,000 on the sewer work alone.

I will say, Mr. Chairman, also by way of further reply to the gentleman from Indiana, that we have submitted in our report a comparative statement, showing at different points through the whole bill where the reductions and increases have been made.

Mr. RICHARDSON of Tennessee. May I interrupt the gentleman for an inquiry?

Mr. GROUT. Certainly.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman if he will inform the committee what new legislation is embodied in the pending bill?

Mr. GROUT. Mr. Chairman, that is submitted also in the report of the committee, under the head of "Limitations;" and if the gentleman from Tennessee will have the trouble to get a copy of the report, he will see, I think, that the propositions which the committee have suggested are such as will not call for objections.

I will briefly state what they relate to. The first is a call upon the District Commissioners to furnish in the next Book of Estimates a complete list of all persons employed in the District of Columbia in every branch of its service and not now appropriated for specifically. We are all aware of the fact that there is a very large number of persons so employed and paid out of the appropriation for the particular work on which they are employed. Every time this bill is before the committee there is a request by the Commissioners that we put some of that number who are permanently employed upon the list of those for whom specific appropriations are made.

It was thought by the committee that, inasmuch as the number so employed was somewhat an unknown quantity, it would be well to have that list in the next Book of Estimates, so that the committee in future might possibly deal with this subject differently from what we have dealt with it in the pending bill, and possibly not. We thought that, at all events, it would be well to have the information.

The second legislative provision is on page 11 of the bill. This authorizes the District Commissioners to sell to outside parties bound editions of the laws of the District, which they can not now do without such authority.

On page 16 of the bill there is also authority given to rectify the alignment of a certain street without expense to the Government. On page 18 there is a provision that one-half of the appropriation,

which went through hastily in the closing hours of the last session of Congress, to provide for certain repairs on the roads in Rock Creek Park, occasioned by a sudden and violent storm, the whole of which at that time was paid out of the funds of the United States, shall be reimbursed to the United States by the District.

This provision will put the cost of that appropriation equally on the Government and the District. The whole sum was \$30,000, and the sum herein provided for is \$10,000, to be paid from the revenues of the District.

On page 18 there is also a legislative provision which compels the Commissioners of the District, under certain circumstances and conditions, to advertise for bids for street cleaning, which is now done by hand, and which experience has proven can be done more satisfactorily and at less expense in that manner than by machine cleaning. This provision is incorporated so that when the expense shall exceed a certain limit of cost the Commissioners shall call for bids.

Now, to recur for a moment to the subject of schools, from which I was diverted by the inquiry of the gentleman—

Mr. FITZGERALD of Massachusetts. Do I understand the gentleman to say that these are all the changes from the appropriation of last year that are made in this bill?

Mr. GROUT. No; I stated that that was the new legislation which the gentleman from Tennessee inquired about.

Mr. FITZGERALD of Massachusetts. Is it not a fact that an electrical department is created by the bill which is not now in existence in the District?

Mr. GROUT. That is the same department, with the same officers as was carried in the last bill. It only gives a new name here. The provisions, if the gentleman will turn to the last bill, he will find are precisely the same as in this bill. There is no change in that respect.

Mr. FITZGERALD of Massachusetts. I appreciate the fact that they are the same as they were in the last bill when reported, but the House struck them out of the bill when the point of order was raised that they were new legislation.

On page 9 of the report I find that for telegraph and telephone service the salaries under the present law are \$15,220, while under this bill they are \$28,800, or nearly double the amount, and creating a great many new offices.

Mr. GROUT. The gentleman can not have the correct figures. What page does he refer to?

Mr. FITZGERALD of Massachusetts. Page 9 of the report.

Mr. GROUT. The gentleman must be reading from the estimates instead of the amounts appropriated in the former bill. There can be no such discrepancy between the former bill and this one as the gentleman's figures indicate.

Mr. FITZGERALD of Massachusetts. Do I understand that the salaries of the officers of the electrical department, as reported in this bill, on page 37, are the same as are paid at the present time?

Mr. GROUT. The officers are the same and the amount is the same precisely. I see now, as I look at the report, that the gentleman read from the column of estimates submitted by the Commissioners, which the committee did not indorse.

Mr. FITZGERALD of Massachusetts. The salaries are just the same, as I understand?

Mr. GROUT. They are precisely the same in number and amount.

Now, in reference to schools, just a moment, as I was turned away from that subject. It appeared before the committee that there were 4,000 children of school age in the District of Columbia who do not attend school. By the schoolhouses which are ordered in this bill we have provided for about 2,000 of those children, and have given all the new schoolhouses the Commissioners asked for.

The committee felt that provision ought to be made so that these children should be allowed to attend school, and after the schoolhouses are provided it might then become a question for the District Committee—which covers the legislative branch for the District—to make some provision for compulsory attendance. That is a subject which this committee could not properly take up.

Now, with these remarks, which I think are sufficiently explanatory of the leading features of the bill, unless some gentleman desires to ask further questions, I ask for the reading of the bill by paragraphs—

Mr. LLOYD. I desire to ask the chairman of the committee whether there is any increase in the number of police in the city?

Mr. GROUT. There is an increase of the police force to the number of 35, to man a new precinct.

Mr. LLOYD. Is not the increase 41 instead of 35?

Mr. GROUT. Not in policemen. There is an increase of 1 lieutenant to command the increased force. There is a sergeant at the customary salary. There are 20 privates of the lower grade of pay, at \$900, and 15 privates at \$1,080. There is 1 station keeper at \$840; 1 driver, at \$540—just the necessary equipment of the precinct provided for in the last bill.

Mr. LLOYD. Where is that precinct?

Mr. GROUT. Mount Pleasant.

Mr. LLOYD. Have there been no police there previous to this time?

Mr. GROUT. Well, they had mounted police, and there may have been a few policemen there who occupied rented quarters—a very few. I can not say about that, for I do not recall; but the increase in population there made it necessary, in the judgment of the two Houses at the last session, to provide a precinct and a station house, which was done, and this is simply to man that precinct.

Mr. LLOYD. What do you mean by a precinct? Do you mean a division of the city in which there is a specific police force?

Mr. GROUT. Every city is divided into police precincts, with a station house in each precinct; and now there is a precinct at Mount Pleasant, and after July 1 there will be a full supply of men. The station house is in process of erection. It is not yet completed, but it will be ready by the commencement of the next fiscal year, for which this bill provides.

Mr. LLOYD. Is there any increase of salary in the executive offices?

Mr. GROUT. There is a slight increase. There is an increase in the salary of the superintendent of the water department from twenty-four hundred dollars to twenty-seven hundred and fifty dollars; of the health officer from three thousand to thirty-five hundred dollars, and of the superintendent of street sweeping from two thousand two hundred to twenty-five hundred dollars. This is because of the addition of new duties assigned to him in the line of collecting garbage and the like.

Mr. LLOYD. Is there any increase in the number of officers?

Mr. GROUT. There are some slight increases. You mean in the number of employees, I suppose?

Mr. LLOYD. Yes.

Mr. GROUT. If the gentleman will turn to page 12 of the report, he will find all these facts presented. The number of salaried officers in the District in the last bill was 2,701, and in the present bill it is 2,834. Many of this number are persons who, as I stated before, have had permanent employment in the District, but who were not paid specific salaries. Quite a number of such are appropriated for specifically for the first time in this bill, and that will in a large measure account for the increase in the number of salaried officers.

Mr. LLOYD. What is the necessity of the increase in the executive office?

Mr. GROUT. The increase in the executive office, by which I understand him to mean the office of the Commissioners, is apparent instead of real.

They consist in putting on salary certain persons who have heretofore been employed by the Commissioners, the salary in every instance, I think, being the same in amount as heretofore paid them.

Mr. LLOYD. I notice that in another place you make an increase in the appropriation for Rock Creek Park.

Mr. GROUT. An increased appropriation.

Mr. LLOYD. Is there an increase?

Mr. GROUT. There is an increase of \$10,000—from \$15,000 to \$25,000.

Mr. NORTON of Ohio. I desire to call the attention of the chairman to the language used under the head of Washington Aqueduct, page 22:

Toward establishing a filtration plant, and for each and every purpose connected therewith, \$500,000, to be available immediately and until expended.

Now, there is no question but what this appropriation is one of the wisest the bill contains. Scarcely any city in the Union is worse served in the way of water than Washington, and no city deserves a better system than the city of Washington. But when the attempt was made here some year ago in the Senate, and when Colonel Miller was attempting to establish a plant and learn something in regard to a filtration plant, he ran up against these circumstances: Several different companies were ready to establish their filtration plant and turn it over to the Government and let them appoint an expert to decide which was the better; but no appropriation having been made, the Government could not assign an expert. Therefore, these filtration plants were not built; at least, perhaps one was built, under the control of the Government or Colonel Miller. Now, I would like some provision here that Colonel Miller might be empowered to appoint an expert to determine which is the best.

Mr. GROUT. They are to build the filtration plants at their own expense?

Mr. NORTON of Ohio. Oh, yes; any of them, but I do not know which one; but any of them or all of them who desire to build a filtration plant will put it up at their own expense.

Mr. GROUT. An experimental plant?

Mr. NORTON of Ohio. An experimental plant, and have the Government decide which is the best. Now, what I would like would be to have some language incorporated in the bill which would authorize Colonel Miller to assign an expert to make the decision after these filtration plants were built.

Mr. GROUT. Mr. Chairman, for the gentleman's information I will say that two years ago we appropriated \$8,000 for an experimental plant.

Mr. NORTON of Ohio. And you put up one plant and one system.

Mr. GROUT. I understood from Colonel Miller's testimony before us that an experiment was made with both systems, and a plant of each kind was established. He tried both systems and testified in full before us concerning their workings, with the result that he is decidedly in favor of the American system. He explained fully to us the operation of both systems.

Mr. NORTON of Ohio. The "American system" does not explain anything. There are half a dozen American systems, and probably as many European; but at the time this system, that this experiment was going on, Cincinnati and half a dozen other places were still in the experimental stage, and had not completed their experiments, and the Department could not take advantage of that because of not having the reports. Now, this comes absolutely within the control of the Government, and all they have to say is which is the best, without any expense to the Government, save the expense of the salary of the expert that may be assigned.

Mr. GROUT. Does not the gentleman think it would be wise for Congress, before we pass this bill at the present session, to settle the system ourselves?

Mr. NORTON of Ohio. I can not see how Congress could settle that. They could not establish it by an expert in Congress.

Mr. GROUT. Here is what Colonel Miller said:

Congress passed an act authorizing an investigation, and appropriating \$8,000 for that purpose, and I erected two filters, one the English method, representing the slow sand filtration method, and the other representing the American method, and we experimented for nine months—as long as the funds allowed us—and we went through the time of the greatest turbidity of the water.

If you remember, last year about this time the water was very muddy every day, and we went through that period, which began about the latter part of December and lasted until March, and we found that the English or slow sand filtration method would not remove the turbidity and the other method would remove it, and that the bacteriological conditions, from a hygienic point of view, of either system were good.

It might be said to be a little in favor of the English method, but not enough to make it a point. Therefore I recommended in my report the adoption of the American system, because it produced an effluent that was nearly if not quite as good (some claim quite as good as the other with reference to bacteriological effects), but much better in reference to turbidity, being always clear, but it requires more care. In using the rapid filtration it is necessary to coagulate the water before passing it through the sand.

Now, while the committee asked him many questions—his examination runs through some 10 or 12 pages—the statement I have read contains a summary of his testimony.

Mr. NORTON of Ohio. I did not want the language of this appropriation to confine the War Department to any particular filter.

Mr. GROUT. Does the gentleman from Ohio think it does?

Mr. NORTON of Ohio. I think it does, from what the gentleman from Vermont says.

Mr. GROUT. The gentleman can read the language for himself. I said expressly that it did not confine the Government to any system, except impliedly. We have appropriated only \$500,000 instead of a million dollars; \$500,000 being requisite under the American plan, while a million dollars would be requisite under the other plan. That is all I said. The committee thought it best to leave undecided as to the plan except so far as the sum appropriated would indicate the plan to be adopted. If left as in the bill, it would undoubtedly result in the American plan, as Colonel Miller, in charge of the Aqueduct, favors that plan.

Mr. PEARRE. Will the chairman of the committee explain whether either of these two systems contemplated eliminate from the water disease germs?

Mr. GROUT. Certainly; both of them do. Colonel Miller said that they had both about the same effect, but the preference was a little in favor of the English system.

Mr. PEARRE. I heard what the gentleman read in relation to the disease germs, but does Colonel Miller state that either one of the systems tried will eliminate disease germs? I do not so understand his language.

Mr. GROUT. Yes; he makes a statement later in his testimony in substance to that effect, which I have not yet read.

Mr. PEARRE. If the gentleman will permit me, I look upon this as a matter of grave importance, and I may claim the indulgence of the gentleman later. I live near the Potomac River, and have had some experience in this matter.

The Potomac River is subject to numerous pollutions, from its source almost down to the city of Washington. A greater part of these pollutions consist of the sewage from numerous towns in West Virginia and Maryland emptying into the Potomac River all along its length until it reaches Washington, thereby impregnating the waters of the river, as chemical analyses of this water have shown. It impregnates the water with typhoid germs and germs of other diseases which have come from the sewage of these towns.

Now, Mr. Chairman, I submit that when this matter is under

of numerous citizens of the city of Washington will be upon the heads of the Congress of the United States.

Now is the time to act; and no appropriation should pass this House, not a dollar of money should be appropriated to build such a filtration plant until it shall have been determined by scientific testimony, through the agency of a commission appointed for that purpose, that there is some method of filtration, some sort of a plan which will remedy the trouble and remove these germs. If this is not done, the money so appropriated is absolutely wasted.

Why, Mr. Chairman, the mere clarification of the water amounts to nothing. Any sort of an old filter will accomplish that. And I may add, sir, that great care must be exercised and great scrutiny used in the report of any testimony upon this question as to the relative advantages of the various filtration plants which are on the market.

Without intending to suggest, or to intimate even remotely, any imputation upon the services of any gentleman connected with the Government, I do assert with confidence that certain scientific gentlemen in their report as to the relative merits of various filtration systems are sometimes influenced by considerations other than the interests of the public.

Mr. GROUT. If I was understood as saying that typhoid bacilli had never been discovered in the Potomac water, it was not what I wished or intended to say. I simply desired to be understood as saying that Colonel Miller had failed to discover any.

Mr. PEARRE. I understood the gentleman to say that none had been found.

Mr. GROUT. That was not my intention; but I will ask the gentleman from Maryland, inasmuch as he has consumed so much time in the presentation of his view, if he can not submit some suggestion which will improve the legislation proposed in the bill?

Mr. PEARRE. I was taking general ground against the enactment of any such vague and indefinite legislation as this. As I understand it, the responsibility for framing such legislation rests with the committee.

Mr. GROUT. But what amendment, in the judgment of the gentleman, would perfect the legislation?

Mr. PEARRE. I will state to the gentleman again that I have made the comments I have in the interest of what I believe to be good legislation upon this subject. But as I understand it, the responsibility of presenting such measures rests upon the committee.

Mr. GROUT. Of course I understand that, but what, in the judgment of the gentleman, should be done? What amendment would he suggest that will improve the bill?

Mr. PEARRE. I could not undertake in the brief time in which I have occupied the floor to suggest an amendment which might cover the entire subject.

Mr. GROUT. Will the gentleman allow me to ask, then, if he will consider it, and when we reach that particular part of the bill that he will suggest such amendment as, in his judgment, will meet the difficulty of which he complains? I am sure the committee and the House will give it careful consideration.

Mr. PEARRE. I will be very glad to adopt the suggestion of the chairman of the committee, and will ask him in return to adopt such suggestions as I may submit after investigation of the matter, which I believe will meet with the approval of the committee and perfect the bill in this regard.

Mr. GROUT. The gentleman may be sure that whatever amendment he may propose will be carefully considered.

Now, if there is no further general debate, I ask that the bill be read by sections for debate and amendment under the five-minute rule.

The CHAIRMAN. Without objection, general debate will be considered as closed, and the Clerk will proceed with the reading of the bill.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman how much longer he is going to ask us to stay here this evening? It is about the usual time for adjourning.

Mr. GROUT. I had hoped that we might get the bill through to-night.

Mr. RICHARDSON of Tennessee. This is quite a long bill. It is evident that several matters will require considerable discussion, and it could not be completed this afternoon. I think under all the circumstances the gentleman ought to move that the committee rise.

Mr. GROUT. Let the Clerk make a start with the reading of the bill by sections, and I will then make that motion.

The Clerk proceeded with the reading of the bill, and read the first section, as follows:

Be it enacted, etc., That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, namely:

Mr. GROUT. Mr. Chairman, I will now move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GROSVENOR reported that the Committee of the Whole House on the state of the Union, having had under consideration the District of Columbia appropriation bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4816. An act to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington;

S. 5258. An act to allow the commutation of homesteads in certain cases;

S. 1996. An act revoking and annulling the subdivision of Pencote Heights, in the District of Columbia; and

S. 122. An act to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 87:

Resolved by the Senate (the House of Representatives concurring). That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1901, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses—
to the Committee on Rules.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5048. An act to confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque Grant, and for other purposes; and

H. R. 12548. An act to authorize the construction of a bridge across the Mississippi River, at or near Grays Point, Missouri.

CURTIS BAY, BALTIMORE HARBOR, MARYLAND.

Mr. REEVES. Mr. Speaker, by direction of the Committee on Rivers and Harbors, I desire to report back Senate concurrent resolution 96, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois reports back from the Committee on Rivers and Harbors Senate concurrent resolution 96, and asks unanimous consent for the present consideration thereof. The Clerk will report the resolution.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be directed to transmit to the Senate an estimate of the cost of deepening the channel of Curtis Bay, Baltimore Harbor, in Maryland, to 30 feet and widening the channel to 250 feet; and also an estimate of the cost of increasing the depth of the main ship channel of the Patapsco River and Baltimore Harbor to 35 feet and the width thereof to 1,000 feet.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

EXPENSES OF THE INAUGURAL CEREMONIES.

Mr. CANNON. Mr. Speaker, I desire to call up Senate joint resolution 142, and ask that the House agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Illinois calls up Senate resolution 142, which the Clerk will report.

The Clerk read the title of the resolution, as follows:

Joint resolution to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States March 4, 1901.

The SPEAKER. The gentleman from Illinois moves that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CANNON, Mr. DALZELL, and Mr. MCRAE.

RAILROAD CROSSINGS IN THE CITY OF WASHINGTON.

Mr. JENKINS. Mr. Speaker, I desire to call up the bill S. 1929, with House amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

The SPEAKER. The gentleman moves that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

Mr. JENKINS. I make a similar motion in regard to the bill S. 2329.

The SPEAKER. The gentleman makes the same motion with regard to Senate bill 2329, which the Clerk will report.

The Clerk read the title of the bill (S. 2329) to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

The SPEAKER. The gentleman moves that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BABCOCK, Mr. PEARRE, and Mr. MEYER of Louisiana.

DEATH OF QUEEN VICTORIA.

Mr. HITT. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration in the House.

The SPEAKER. The gentleman from Illinois, from the Committee on Foreign Affairs, offers the following resolution, and asks unanimous consent for its immediate consideration in the House. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House of Representatives of the United States of America has learned with profound sorrow of the death of Her Majesty Queen Victoria, and sympathizes with her people in the loss of their beloved sovereign.

That the President be requested to communicate this expression of the sentiment of the House to the Government of Great Britain.

That as a further mark of respect to the memory of Queen Victoria the House do now adjourn.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. HITT. Mr. Speaker, the resolution I have offered accords with the precedents of action by this House in the past, and follows almost literally the resolution adopted by the House on the occasion of the death of President Carnot, of the French Republic, as well as the previous expression of the Senate in the case of the death of the Czar of Russia.

I do not deem it necessary to prolong discussion by any further remarks, but ask that the House take action now, and move the previous question.

The previous question was ordered.

The resolution was agreed to.

The SPEAKER. The resolution is agreed to, and in pursuance of the action of the House it stands adjourned until 12 o'clock noon to-morrow.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for completing repairs on post-office and subtreasury building at Boston, Mass.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a schedule of claims allowed by several accounting officers of the Treasury Department—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11970) to authorize the Chattahoochee and Gulf Railroad Company of Alabama to construct a bridge across the Choctawhatchee River, a navigable stream, in Geneva County, Ala., reported the

same with amendment, accompanied by a report (No. 2414); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5583) extending the time for commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak., reported the same without amendment, accompanied by a report (No. 2421); which said bill and report were referred to the House Calendar.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13606) authorizing the establishment of a light signal at or near Hillsboro Point, Florida, reported the same with amendment, accompanied by a report (No. 2418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 11616) for the relief of Katie A. Nolan, reported the same without amendment, accompanied by a report (No. 2415); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 4850) to pay certain Treasury settlements, reported the same without amendment, accompanied by a report (No. 2416); which said bill and report were referred to the Private Calendar.

Mr. STEVENS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2779) for the relief of John G. Fawcner, reported the same with amendment, accompanied by a report (No. 2419); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 6495) for the relief of W. W. Morris, reported the same adversely, accompanied by a report (No. 2417); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10410) to increase the pension of George M. Sinclair, late sergeant, Troop F, Second United States Cavalry, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LIVINGSTON (by request): A bill (H. R. 13768) for the relief of police pension fund beneficiaries of the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: A bill (H. R. 13769) to maintain the parity of the money of the United States—to the Committee on Banking and Currency.

By Mr. KNOX: A bill (H. R. 13770) providing for the election of a Delegate from the district of Alaska to the House of Representatives of the United States, defining citizenship and the qualifications of electors in said district—to the Committee on the Territories.

By Mr. THOMAS of North Carolina: A bill (H. R. 13771) making appropriation for the Cape Fear River above Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. BREAZEALE (by request): A bill (H. R. 13772) to authorize the construction and to maintain a dam and wagon bridge across Twelve-mile Bayou, in the parish of Caddo, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 13773) to amend an act entitled "An act providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors," approved January 18, 1897—to the Committee on the Merchant Marine and Fisheries.

By Mr. WARNER: A resolution (H. Res. 378) relating to pay of Charles O. Houk—to the Committee on Accounts.

By Mr. HENRY of Connecticut: A resolution (H. Res. 379) to pay to Thomas F. Tracy the salary of a messenger—to the Committee on Accounts.

By Mr. CRUMPACKER: A resolution (H. Res. 381) to pay William A. Forbes for extra services—to the Committee on Accounts.

By Mr. ALLEN of Maine: A resolution (H. Res. 382) to pay William H. Smith \$600 for extra services—to the Committee on Accounts.

By Mr. BULL: A resolution (H. Res. 383) providing for the preservation of the flag of the United States presented to the House of Representatives by the Women's Silk Culture Association of the United States—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13774) granting increase of pension to Mary J. Clark—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 13775) granting an increase of pension to Christopher Mossman—to the Committee on Pensions.

By Mr. WACHTER: A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns—to the Committee on Public Buildings and Grounds.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13777) granting a pension to Lucy B. Bevis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of Mary J. Clark, of Chattahoochee County, Ga., widow of soldier of Indian wars, for increase of pension—to the Committee on Pensions.

By Mr. BABCOCK: Resolutions of Polish-Americans of Wisconsin, favoring passage of House bill No. 13295, for the erection of a monument to Count Casimir Pulaski—to the Committee on the Library.

By Mr. BOWERSOCK: Resolutions of the Board of Trade of Parsons, Kans., and Fort Scott Business Men's Club, of Fort Scott, Kans., favoring appropriation for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. BROSIUS: Petition of the Lancaster branch of the Women's Indian Association of Pennsylvania, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By CALDERHEAD: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, petition of J. F. Feis, in favor of a retirement fund from which to pension old Government employees—to the Committee on Reform in the Civil Service.

Also, petition of the Kansas State Good Roads Association, Topeka, Kans., favoring an appropriation for public highways—to the Committee on Agriculture.

Also, resolution of the Fort Scott Club Company, Fort Scott, Kans., and Board of Trade of Parsons, Kans., for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

Also, resolutions of the Commercial Club of Topeka, Kans., protesting against diverting the water of the Arkansas River—to the Committee on the Public Lands.

Also, petition of the Merchants' Association of New York, favoring extension of the pneumatic tubular service in connection with the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. CLAYTON: Petition of 1,000 Polish-American citizens of the United States for the erection of a monument to the memory of Count Casimir Pulaski, a hero of the American Revolutionary war—to the Committee on the Library.

Also, petition of W. H. Lacey and others of Brooklyn, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. COUSINS: Protests of Lamb Brothers and other citizens of Olin, Iowa, against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Iowa Academy of Science, Ames, Iowa, with reference to the national park and forest reserve at the head waters of the Mississippi, and the general policy of the United States with reference to forest reserves—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of the American Baking Powder Association, New York City, in favor of House bill No. 12973, known as the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants' Association of New York, favoring continuance of postal tubular system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Simon Lake, of New York City, in relation to plans for submarine torpedo boats for the United States Navy—to the Committee on Naval Affairs.

By Mr. GROUT: Petition of the Merchants' Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of Orthodox Friends' Church of Poughkeepsie, N. Y., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

By Mr. MAHON: Petition of Woman's Home Missionary Society of Huntingdon Presbytery, Pennsylvania, relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petition of Rev. W. H. Decker and 200 citizens of Lewistown, Pa., in favor of ratification of treaty which aims at the banishment of the traffic in alcoholic liquors from a great part of the continent of Africa—to the Committee on Foreign Affairs.

By Mr. MANN: Protest of the Illinois Humane Society, Chicago, Ill., against the proposed extension of time in which cattle may be carried in cars without food or water—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY: Resolutions of Northwestern Manufacturers' Association of St. Paul, Minn., relative to internal-revenue taxes—to the Committee on Ways and Means.

By Mr. PACKER of Pennsylvania: Petition of Bethany Presbyterian Church, Williamsport, Pa., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. PRINCE: Petition of the internal-revenue gaugers, storekeepers, etc., of the Fifth revenue district of Illinois, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. SCUDDER: Petitions of citizens of Queens County and Suffolk County, N. Y., urging the passage of a measure providing a permanent supply of live water for irrigation purposes for the Pima and Papago Indians in Arizona—to the Committee on Indian Affairs.

By Mr. SHATTUC: Papers to accompany House bill No. 3953, granting honorable certificates of discharge to certain officers and enlisted men of the United States volunteer service—to the Committee on Military Affairs.

By Mr. SPERRY: Papers to accompany House bill to amend section 4465, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEYMOUTH: Papers to accompany House bill No. 13751, for the removal of the charge of desertion against Patrick Hanigan, alias John Congren—to the Committee on Naval Affairs.

By Mr. WILLIAM E. WILLIAMS: Petitions of landowners in Greene County, Ill., to accompany House bill No. 9998, for the removal of Kampsville dam and for dredging of the Illinois River—to the Committee on Interstate and Foreign Commerce.

By Mr. ZIEGLER: Petition of 95 citizens of the Nineteenth Congressional district of Pennsylvania, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, January 23, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

BREAKWATER AT BURLINGTON, VT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the 8th instant, a letter from the Acting Chief of Engineers, submitting the report of Col. J. W. Barlow, Corps of Engineers, on the present condition of the breakwater at Burlington, Vt.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

LIST OF LOTS IN THE CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a copy of a communication from Col. Theodore A. Bingham, the